SENATE—*Monday, June 24, 1991*

(Legislative day of Tuesday, June 11, 1991)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God of our fathers, You have declared in Your Words, "* * * there is no power but of God: the powers that be are ordained of God." "* * * rulers are not a terror to good works, but to the evil. * * *, that "* * * he is the minister of God to thee for good. * * *"—Romans 13:1, 3, 4.

Sooner or later, most of the problems and burdens that beset the world find their way into this Chamber. Grant to Your servants, upon whom this enormous responsibility rests, the grace to realize that they cannot do everything for everybody all the time. As pressures build and they feel their humanity, their vulnerability and weakness, help them to realize that You are just a thought away—that at any moment, whatever the situation, they may turn their minds and hearts to Thee for insight, wisdom, and strength. Grant to their staffs, who share this burden, the grace to look to You.

Sometimes, Lord, we turn to You because there is nowhere else to go. Thank You for Your gracious, more than adequate support. Help us all to avail ourselves of Your infinite and gracious and accepting love.

In His name who said, "Come unto me, all ye that labour and are heavy laden, and I will give you rest." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 12 noon today with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, at noon the Senate will return to the consideration of the comprehensive crime legislation. There will be no rollcall votes today. There will be rollcall votes beginning at 11:30 a.m. tomorrow.

It is my hope we can make good progress in debating several amendments today and that we can continue and dispose of this bill as soon as possible consistent with thorough review. Senators should expect rollcall votes throughout the remainder of the week at any time of the day, evening, or night as we seek to complete action on this legislation at the earliest possible time.

The PRESIDENT pro tempore. The Chair would seek guidance from the majority leader. It is the Chair's understanding that the 2 hours of debate allotted on the Thurmond amendment on Friday were consumed and that under the order no other amendment or motion to recommit will be in order until the Thurmond amendment has been disposed of tomorrow at 11:30 a.m.

Mr. MITCHELL. Mr. President, it is my understanding that the managers of the bill intend to bring up other amendments by consent today. They had discussed and came close to reaching agreement on a method for proceeding pursuant to unanimous consent on Friday but discontinued their consideration when they could not reach final agreement. But I am advised that they expect to reach agreement today and to proceed to several amendments relating generally to the death penalty provisions in the pending bill.

The PRESIDENT pro tempore. The Chair thanks the majority leader. Is it the desire of the majority leader then, at the time morning business closes and the Senate resumes consideration of the bill, that the Thurmond amendment be temporarily laid aside?

Mr. MITCHELL. It is. And I believe the managers, who will be present at noon, will be prepared to seek consent to accomplish that.

The PRESIDENT pro tempore. Very well. The Chair thanks the majority leader.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. GORE].

RELEASE OF HOSTAGES

Mr. GORE. Mr. President, I take the floor this morning in morning business to discuss three subjects. First of all, I would like to say to my colleagues that I am introducing a resolution calling for a formal investigation of the charges that have been made by many, including several distinguished journalists and a former member of President Carter's administration, Mr. Gary Sick, that the campaign manager for the Reagan-Bush campaign negotiated in the summer of 1980 a formal agreement with officials of the Government of Iran calling for a delay in the release of our hostages then being held by Iran until after the elections in November 1980.

The evidence which has thus far trickled into the public domain is still fragmentary. Much of it is circumstantial, but it is compelling. If the allegations are not true, the country needs to know they are not true. If they are true, the country needs to know that as well.

A number of investigators in the journalistic community and elsewhere have worked on bringing out these facts. I read the initial column by Mr. Gary Sick some months ago. Frankly, Mr. President, I did not think a great deal about it, but I watched and listened as further evidence was developed. The Front Line program, I am told, had a very extensive presentation on it. I watched the Nightline special program last week. The evidence presented there indicates that a spokesman for the Reagan-Bush campaign told a journalist in 1980 that Mr. William Casey, the campaign manager, was abroad, meaning overseas, on a date which precisely corresponds with one of the negotiating sessions which allegedly took place in Madrid in the summer of 1980 and was described to the Nightline investigators by a man named Hashemi who said he was the interpreter and go-between during both of the negotiating sessions.

No record of Mr. Casey's presence in the United States of America was found in any public or private record for any of the dates during which the negotiations allegedly occurred in Madrid.

There is a great deal more circumstantial evidence which has been brought forward by a number of these reports. I believe the air needs to be cleared, Mr. President. So I am today calling for a formal investigation of these charges and allegations without prejudging what that investigation might find, but believing deeply that it needs to take place in order to establish the truth or falsehood of the allegations that have been made.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Some deals should never be made, Mr. President, whether arms for hostages or hostages for elections. We have only one President at a time, and the idea that a Presidential campaign would enter into negotiations with the leaders of a foreign country and establish an understanding which had allegedly the effect of prolonging the period of captivity and suffering of American hostages in Iran is the kind of charge which must be addressed fully and thoroughly.

ORDER OF PROCEDURE

Mr. GORE. Mr. President, I ask unanimous consent to address the Senate for an additional 10 minutes on two other topics.

The PRESIDENT pro tempore. There being no objection, the Senator is recognized for an additional 10 minutes.

AMERICA'S CHILDREN

Mr. GORE. Mr. President, this morning the National Commission on Children released a report worthy of our Nation's most serious attention. This report reflects more than 2 years of work by a bipartisan Commission led by our colleague, Senator JAY ROCKEFELLER, that included leaders from a broad range of disciplines who share a key concern for America's children.

I wish to commend Senator ROCKEFELLER, our distinguished colleague, the President pro tempore, our Presiding Officer, and I wish to commend all of the other members of the Commission. I would like to commend the Commission's report to this body, and focus briefly on two of the key recommendations coming out of the Commission.

First of all, by a unanimous vote the Commission put forward its plan and recommended a refundable tax credit for children. I strongly endorse that idea.

It is in fact the core of legislation which I introduced more than a month ago along with Congressman TOM DOWNEY in the other body, who was joined by GEORGE MILLER and DAVE OBEY, two distinguished Members of the other body. The four of us introduced the Gore-Downey Working Family Tax Relief Act to cut taxes for 35 million American families with children, a measure causing a tax cut for 134 million Americans.

The Commission recommends a tax credit for children, and the Gore-Downey bill recommended the same thing, offering an $800 tax credit for each child up to age 18, replacing the more limited personal exemption with a tax benefit that for some families would be twice as valuable.

The Gore-Downey bill focuses our efforts where they are needed most, on middle-income working families with children. Increasing the personal exemption as some others have proposed would send the greatest benefits to those with the greatest incomes. A refundable tax credit such as both the Gore-Downey bill and the Commission on Children, sends the tax cuts to the families who need them most.

The Commission also expresses support for expanding the earned income tax credit. The Gore-Downey bill to which I referred a moment ago does in its second major provision precisely that, expands the EITC to help working families with children continue to choose work over welfare and help them help their children.

Finally, one point where Gore-Downey and the Commission differ—the Gore-Downey bill offers tax cuts where they are needed for a change, and it pays for them. This is an important distinction, Mr. President.

It is a good thing to put forward ideas that would be beneficial for the country but, in the context of the budget crisis we continue to face in America, I think it is important to suggest how we can pay for the ideas that are suggested. And the Gore-Downey bill pays for the tax relief for working families with a more progressive tax rate that takes the burden off middle-income and working families.

ANTARCTICA

Mr. GORE. Mr. President, in the time that I have remaining I would like to turn to a third subject. By coincidence this subject also involves Madrid.

A negotiation which has been underway in Madrid has just broken up. This negotiation covers a topic which I have talked about here in this Chamber on many occasions, and that is the need to protect the environment of Antarctica by declaring that continent at the bottom of the world a global ecological continent.

The good news is that the entire world believes that should be done. The bad news is the Bush administration does not.

The news from Madrid where the 39 countries that are party to the Antarctica Treaty gathered until yesterday is unfortunately very bad news, but not surprising. At the last minute the U.S. delegation alone among all of the treaty parties announced that the United States would not sign the environmental protocol. Why is it, Mr. President?

The parties had gathered after agreeing tentatively on a measure several months ago which was then brought back to each of the respective governments included in the negotiations for review. Every other country approved the treaty.

Here in the United States the Environmental Protection Agency, the majority of those in the State Department, and many others in the Bush administration, agreed with the draft of the treaty. Why not protect Antarctica? Ideologs in the White House, Mr. President, led by Mr. John Sununu, who I am told was personally involved in making the decision to torpedo the negotiations, made their will known to the negotiators and ordered them to object to the treaty draft that every other nation in the world had agreed to.

Do you know the irony, Mr. President? We passed legislation here in Congress that was signed by President Bush making it illegal for U.S. companies to drill for oil, and mine for coal, or even prospect for them in Antarctica. The environment is just too fragile there. We do not know how to do it without disrupting the ecology of that area. The President signed that legislation.

Oil companies and coal companies are not clamoring to develop Antarctica. It is too hard. It is too remote. The conditions are too forbidding.

But, Mr. President, there are some companies from other nations that are collecting information of the kind that might be useful in the future in opening up Antarctica to oil drilling, and coal mining. The way Prince William Sound had oil taken out of it—we were told there that if we just have adequate protections, the environment will be safe.

Well, we saw what happened when the *Exxon Valdez* hit the reef and the oil spilled out. The damage would be infinitely worse in Antarctica.

In fact, Mr. President, a small oilspill from an Argentine tanker called *Bahia Paraiso* occurred 2 years ago—2 years ago, and the oil is still spilling out. Nobody can get to it to fix it.

Mr. President, this area of the world is especially important to the global environmental pattern. It is not an accident that the ozone hole was first discovered in Antarctica, or that the global warming is expected to do its first damage in raising temperatures, the highest at the poles, because these parts of the Earth, at the extremities, are the most vulnerable ecologically, and they play key roles in governing the climate pattern of the entire world.

Ironically, scientists were in Antarctica studying the plankton of the southeastern ocean to determine what the effect these increased levels of ultraviolet radiation, due to ozone depletion, might have on the food chain, and the precise area they were studying was covered by the oilspill of the *Bahia Paraiso*—5 years' work lost. They have to start all over again.

Well, now the world has said, let us do something different. Let us do something new. Let us say that Antarctica is off limits to oil drilling and coal mining. The companies do not want to do it anyway. Let us set a precedent and say, in an area like this let us protect it and keep it in its pristine state, as a global ecological commons, a land of science, if you will.

Everybody in the world agreed. The Congress agreed. The U.S. Senate agreed. We passed resolutions. We passed legislation. The distinguished cosponsor, leading cosponsor, on the Republican side was the Senator from North Carolina [Mr. HELMS]. The distinguished Republican cosponsor on the House side was the late Silvio Conte. It was his last measure, Mr. President, before his death. He was there at the White House for the signing ceremony.

The President signed the resolution and the legislation. He did not follow through on it. Mr. Sununu convinced him not to, at least that is my interpretation. I cannot understand why the President would suddenly reverse direction and say we disagree with the unanimous vote of the House, unanimous vote of the Senate, and unanimous conclusion of every other nation in the world. And for ideological reasons, we are going to insist that Antarctica be kept open for oil drilling and coal mining.

Here we face a global ecological crisis, Mr. President, without any precedent in the history of human kind, and we have a small opportunity to make an important statement and set an important precedent to say to all the world and to future generations, at least here we can agree, Antarctica will be off limits to the kind of exploitation which has done so much damage in the past.

Mr. President, I ask unanimous consent to have 2 additional minutes, and I would be glad to yield at any time to any of our other colleagues that wish to take the floor.

The PRESIDENT pro tempore. The Chair hears no objection.

The Senator is recognized for 2 additional minutes.

Mr. GORE. When the negotiations reached the stage where everyone agreed, the negotiators went home. Our negotiator came back and said we think we have a good package; most in the administration agree. Certainly, here in the Congress we had asked them to do this, and there was a great deal of approval for what they did.

I met with the principal negotiators, the officials in the State Department, responsible for this. I told them frankly, Mr. President, this is a smart thing for the administration to do. It is good for future generations. I thought it would also be good for them in a political sense, in that they would be able to say, well, look, we hear what people are saying about the need for a different approach to the global environment. We want to respond to it. And since the oil companies and other energy companies are not present on this one, why not do it? I am thinking in their terms.

I was then surprised, genuinely surprised, when the news came that those who supported this measure in the administration had been overruled by Mr. Sununu. I will tell you this, Mr. President. I know from the reports in Madrid—one of the delegation, incidentally, is Mr. Will Martin of Nashville, TN, who was selected as a member of the nongovernmental organization community on the delegation, and I know from the reports there that these other countries are in an uproar.

Of course, the 30th anniversary of the historic Antarctic Treaty is coming up in only a few days. The world was preparing to sign this environmental protection agreement on the anniversary of that treaty. That will not be possible now, because for this administration, the bottom line is exploitation of fossil fuel resources, no matter what, trying to open up the reserve area in Alaska.

There will be a big battle here on the floor of the Senate about that. At least in Alaska somebody was wanting to go up there and drill for oil. I hope they will not be allowed to do it in that area. Here in Antarctica they are not being pushed to do it.

HOW WE ALMOST LOST THE TECHNOLOGICAL WAR

Mr. COCHRAN. Mr. President, as we study the lessons of the recent Persian Gulf crisis, it will be tempting to exaggerate the importance of some weapons systems and overlook others.

The truth is that our most modern and technologically advanced systems were the big difference between winning a war with very few casualties and winning a war with many casualties.

On June 14, the Wall Street Journal carried an article written by Mr. Norman R. Augustine which discusses the importance of a robust commitment to military research and development.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW WE ALMOST LOST THE TECHNOLOGICAL WAR

(By Norman R. Augustine)

Critics who for years have been telling us that our military technology won't work are now telling us that, in the Persian Gulf, it didn't work. Fortunately, Saddam and his troops didn't get the word.

We are told that the cruise missile, the Apache helicopter and the Stealth fighter didn't perform up to par. Neither, it seems, did the Patriot missile—which some apparently would have us believe was repeatedly knocked out of the sky by Saddam Scuds.

It is said less damage would have occurred had the Scuds not been intercepted at all. This despite the fact that one Scud, which went unengaged and hit a U.S. barracks, produced more American casualties from enemy action than were sustained in the entire ground offensive. Israeli neighbors erected a sign near one Patriot battery proclaiming, "Yankee, stay here!" Patriots almost certainly enabled Israel to stay out of the war—avoiding the profound consequences that could have followed.

Under such circumstances, one can't help being reminded of those economists who, whenever any action works well in the business world, rejoin, "Yes, but would it have worked in theory?" What is surprising is that we should be surprised that our hardware in the Persian Gulf worked. That is, after all, what it was designed to do.

This is not to say that in modern warfare, technology is everything. The next war won't necessarily be won by the side with the last antenna standing. (Our soldiers, sailors, marines, airmen and coast guardsmen were so good that they would have won the Gulf War with the other side's hardware.) What we saw in the Gulf War was a victory of the technology of the 1970s (most of the equipment used in the Persian Gulf was originally developed some two decades ago), the manufacturing of the 1980s, and the people of the 1990s. It proved to be an unbeatable combination—a true case of spending dollars today rather than spending lives tomorrow.

The story that has yet to be told, however, is how very close we came not to having all that high-tech hardware in the first place and how the obstacles in our hardware acquisition process might have lost the technological war for us. In fact, we came perilously close to not having "invisible" airplanes, not owning the night, not having "smart" munitions that could select the room within a building to hit, not possessing some of the spacecraft that constituted the new high ground over the desert, and not having a "bullet that could hit a bullet."

In the case of virtually every one of the systems that had so forceful an impact in the desert—Patriot, LANTIRN, Maverick, Blackhawk, JSTARS. Apache, Hellfire, Tomahawk, Bradley, the M-1 Abrams tank, to name but a few—there were times during research and development when severe technical problems were encountered. This seems to be characteristic of even the best-managed projects that operate near the edge of the technological frontier.

The extremely successful and durable Sidewinder missile, for example, failed in its first 13 test flights. In the space program, 10 of the first 11 rockets launched in the 1960s to gather data on moon landing sites were failures.

At such times it was often argued that the thing to do was to cancel these "troubleplagued projects" (as the critics branded them) and start anew on projects that would have no such problems. To have done so often would have been the more popular approach with elements of the media, parts of the public, some of the Congress, most of the auditors, and even segments of the military itself.

Fortunately, the developers did not stop—although, at times, the life expectancy of these systems seemed shorter than that of an Iraqi tank. The result is history. The world's fourth largest Army, well-experienced in combat, some 8,000 miles away, was defeated in a 1,000-hour air war and a 100-hour ground war—with personnel and equipment casualties favoring the coalition by a ratio of 1,000 to 1.

There are, of course, those occasional circumstances where canceling a suffering project is the wisest course. That's where management judgment comes in. But in general, the correct answer is, first, not to start projects until it is absolutely clear they are needed and affordable and, second, once started to diligently solve the problems that will invariably be confronted. Bluntly stated, "Tough It Out." Wars are not won with good ideas memorialized in laboratories any

more than economies are built with research that others take to the marketplace.

It is astonishing what the defense acquisition system can accomplish when it is unfettered. In World War II, it built a Liberty ship in four days; in the Gulf War, it was able to develop, test and send into combat, over a span of a few weeks, a huge laser-guided bomb (made from a cannon barrel!) against deep underground command centers in Iraq.

Perhaps the best example of all is the Patriot "Scudbuster." The Patriot missile is assembled by Martin Marietta under contract to Raytheon Corp., the system's prime contractor.

Patriot very nearly was the "defense system that wasn't." It came perilously close to Pentagon cancellation at least twice and was the target of several termination efforts in Congress during a prolonged and painful 18-year development.

On Aug. 2, the day the Iraqi army rolled into Kuwait, there were only three anti-Scud Patriot missiles in existence—in spite of the facts that somewhere on this planet there are about 10,000 Scuds, that about 1,000 ballistic missiles of one kind or another are fired each year, and that some 2,000 ballistic missiles have been fired in anger. These Patriot missiles were first-generation, experimental models intended for testing. Initial operational missiles were not scheduled for delivery for another five months.

Relieved of the sometimes burdensome restrictions of the defense acquisition process and fully supported by the military, numerous contractors and several labor unions, all the stops were pulled and 17 Patriot missiles, the first of hundreds in the pipeline, were quickly assembled.

Dedicated employees literally worked around the clock, including Thanksgiving and Christmas. Scores of suppliers, for everything from nuts and bolts to rocket motors and gyroscopes, accelerated shipments. The government assigned top priority to deliveries, in some cases reducing paper work requirements to hours from weeks.

One anti-Scud missile was rushed to White Sands, where it was successfully flight tested—and the others were dispatched by air to the Persian Gulf to report for duty. The record for an individual missile over the course of the war, from the time it left the assembly line in the U.S. until it intercepted a Scud over Israel, was two days—lending new meaning to the concept of just-in-time manufacturing.

It is difficult to do things that have never been done before—that is what research and development is all about. Sometimes almost as much perseverance is required in the laboratory as on the battlefield. Military R&D, like war, is not for the faint of heart.

(Mr. Augustine, a former Army undersecretary under President Ford, is CEO of Martin Marietta Corp. and a co-author, with Kenneth Adelman, of "The Defense Revolution" (ICS Press, 1990).)

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,291st day that Terry Anderson has been held captive in Lebanon.

REMEMBERING BOBBIE EUGENE MOZELLE

Mr. RIEGLE. Mr. President, I rise today to pay tribute to the memory of a beloved husband, son, and brother, Bobbie Eugene Mozelle, of Detroit. Mr. Mozelle was brutally assassinated on February 7, 1991, the first civilian casualty of Operation Desert Storm. He was gunned down by murderous left wing terrorists outside his apartment near the Incirlik Air Force Base in Adana, Turkey.

Bobbie Mozelle's life was dedicated to serving his country and his family. Following a 20-year career, he retired from the Air Force in 1989 as a master sergeant. His years in the Air Force included a tour of duty in Vietnam. He had been serving as a civilian U.S. customs expert in Turkey at the time of his assassination.

But more important than what he did is who he was. Just 44 years old when he died, Bobbie Mozelle was a quiet, kind, and loving man devoted to his family. He was a newlywed. Married just 8 short months when he was murdered, he sent his bride, Fatma, back to Detroit to wait his return.

He was a loyal dependable son and brother. His mother, Lydia, lives in Detroit. She knew she could always count on Bobbie to be there for her. The day after Mrs. Mozelle learned of her son's death, his Valentine's card arrived in the mail. She tells us that Bobbie was a "good boy." His sisters, Vera and Vanessa, miss him each and every day and hold close memories from their childhood.

Mr. President, Bobbie Mozelle puts another dimension on the human tragedies of war. The victims of war reach far beyond the battlefield and the combatants directly involved. Bobbie was a civilian, doing his job, earning a living to support his family. His murder was senseless, his life full of meaning. I know all of my colleagues join me in sending our heartfelt condolences to his family. Bobbie will not be forgotten.

THE RETIREMENT OF COL. GARY L. LA GRANGE

Mr. DOLE. Mr. President, I rise today to pay tribute to a truly outstanding soldier, Col. Gary L. La Grange, who is retiring from active service on July 31, 1991, after faithfully and honorably serving our country for the past 27 years.

I first came to know Colonel La Grange in 1988 when he became the garrison commander at Fort Riley, KS. I was impressed with him then, but I did not fully appreciate this truly remarkable man until I witnessed his performance during Operations Desert Shield and Desert Storm. Though not directly involved in combat, he managed the mobilization of over 2,800 National Guard and Reserve personnel who were mobilized during that period of time. I think he did an outstanding job and I indicated that to him many, many times. He was also the cornerstone for the over 17,000 family members of the 1st Division. Additionally, Colonel La Grange was the director for much of the division's support—during the deployment and throughout the operation. It can be accurately stated that much of the success enjoyed by the 1st Infantry Division during Desert Shield and Desert Storm—mobilization, speedy preparations, rapid deployment, and combat effectiveness are directly attributable to this man.

Colonel La Grange entered the Army in 1964 and was subsequently commissioned as a second lieutenant of armor in 1968. He served in armored units in war and held numerous important logistics assignments in peace.

During the Vietnam conflict he served in the 1st Armored Division, the 198th Light Infantry Brigade, the American Division, and as an adviser to the Royal Armed Forces in Laos. During these tours and in his career, Colonel La Grange received the Combat Infantryman's Badge; the Expert Infantryman's Badge, the Bronze Star; the Purple Heart; the Meritorious Service Medal with two Oak Leaf Clusters; and the Army Commendation Medal with two Oak Leaf Clusters.

Although armor was his first choice for a career path, Colonel La Grange also distinguished himself as an outstanding logistician. In this area he served in various capacities: light maintenance company commander, logistics battalion commander; executive officer division support command; and G–4 of the 1st Infantry Division.

Colonel La Grange's professionalism and leadership as a military officer have earned him the respect and admiration of his soldiers, fellow military officers, and the Army leadership. He is known for his integrity, compassion, and ability to inspire people to exceed their own expectations. These qualities will assure his continued success in his new pursuits.

Mr. President, the Army will miss the wisdom, steadiness, and technical skill of this outstanding officer; however, the Nation appreciates the personal and professional sacrifices he and his family made during his remarkable career. I salute Col. Gary L. La Grange for his distinguished military service. I also applaud those who most closely supported him during his long career; his wife Jan, and his daughters, Kathye, Shari, and Jennifer. Kansas and the Nation owe you a great debt. May this wonderful Army family have many years of health, happiness, and prosperity during their retirement in Kansas.

CHINA, SANCTIONS AND MFN

Mr. DOLE. Mr. President, in considering complex issues, it is often as important to keep in mind what the issues are not—as it is to deal with the issues as they really are.

The question of whether or not the Congress will overturn the President's decision to extend MFN for China is a case in point.

As I have said before, the issue is not whether we condone China's Tiananmen crackdown, its use of slave labor, its arms sales policies, or some of its trade abuses. We all abhor and condemn Chinese policies and practices in those areas.

The issue is not whether we should lavish some great benefits on the Chinese. MFN, despite its misleading name, is not the extension of any great new benefit to Beijing—but the continuation of normal trading relations on a level playing field; the same position we take on trade toward almost every other nation on Earth.

And today let me add: the issue is not whether we should impose sanctions on China, reflecting our real and legitimate concerns on human rights and all the rest.

In fact, we already have in place—and have had in place since Tiananmen Square—a whole series of sanctions, motivated by and symbolizing our opposition to China's ongoing human rights abuses. And the administration continues to express its displeasure over human rights, arms proliferation matters, trade, and other matters not only through our diplomacy, but through the targeted use of effective sanctions.

Recently, Secretary Baker wrote me, outlining the administration's policy of targeted sanctions. I believe the letter goes a long way to setting the record straight on what the administration is doing to pressure the Chinese to improve their policies on a whole range of issues.

The letter also makes the persuasive case that, with a whole range of tools at our disposal—and in light of the undeniable fact that denying MFN would hurt the very Chinese we want to support, while punishing us as much as the Chinese Government—MFN is not an effective or appropriate tool to use to move Chinese policies in the directions we would like.

Mr. President, I believe Secretary Baker has sent an identical letter to all Senators, but I believe it would be useful to put the letter on the public record, in advance of our debate on this issue, and for the information of any Senators or staff who may not have had the opportunity to see it. I ask unanimous consent that the text of the Secretary's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, June 14, 1991.

Hon. BOB DOLE,
U.S. Senate.

DEAR BOB: I want to emphasize for you and your colleagues in Congress those sanctions that President Bush has authorized to register our disapproval of China's human rights, proliferation and trade practices. The President has used legal authorities to employ appropriate countermeasures, as we do with all countries that violate international norms. Proposals to deny or condition MFN for China not only punish innocent Chinese but take away the best instrument we have to promote a wide range of U.S. interests, including keeping China's door open to trade and the exchange of people and ideas.

Following the crackdown at Tiananmen, the President immediately authorized a number of measures to express American abhorrence of this needless violence against the pro-democracy movement. These were:

Suspension of senior-level exchanges, except those contacts essential to pursue strategic, nonproliferation or human rights interests.

Termination of the military relationship, including weapons program and military exchanges.

Denial of all export licenses for equipment used by the Chinese military and police.

Termination of support for multilateral development loans to China, except for basic human needs projects.

Suspension of grants from our Trade and Development Program (TDP) and new activities of the Overseas Private Investment Corporation (OPIC).

Opposition to talks within COCOM on liberalizing controls on high-technology exports to China.

As new issues have emerged in the nonproliferation and trade areas, the President has taken further strong steps, using existing legal authorities:

In April, the President denied licenses for export of components critical for the launch of a Chinese domestic satellite.

The President will not seek any further satellite waivers for China until missile proliferation concerns are satisfied.

Similarly, he instructed the Commerce Department not to license exports of high-speed computers to China until these concerns are satisfied.

The President announced on May 27 his intention to deny licenses to any Chinese company found to exceed international standards in the transfer of missile equipment.

We are taking steps also to address the protection of intellectual property rights and the bilateral trade imbalance:

In April, the President authorized the designation of China under the Special 301 provisions for violation of U.S. intellectual property rights. A formal investigation of Chinese practices is underway and action will follow if adequate progress does not occur.

Assistant U.S. Trade Representative Joseph Massey is in Beijing this week to press concerns about market access with senior Chinese officials.

The Administration has also taken firm action against Chinese transshipments of textiles in violation of quotas, costing China some $85 million this year.

This Administration has actively applied sanctions against China since the tragedy at Tiananmen Square. The United States now stands alone as the only country that still has its original sanctions in place and is pursuing additional measures.

I continue to believe that selective application of existing legal mechanisms to specific issues of concern will yield the most gains with China. To deny MFN to China will destroy our dialogue with the Chinese on these issues and dismantle our leverage. Conditioned renewal would be tantamount to withdrawal, holding our interests hostage to unpredictable actions by the Chinese government. To employ such a blunt instrument will succeed only in hurting the millions of people in China who seek economic and political reform and who look to the U.S. for compassion and support.

Sincerely,

James A. Baker III.

SANCTIONS AND OTHER MEASURES IN PLACE ON CHINA

The U.S. currently has the toughest position on China sanctions. While the EC, Japan and Australia have gradually relaxed their sanctions, the U.S. has reaffirmed its existing sanctions and taken additional measures.

POST-TIANANMEN SQUARE

All the measures authorized by the President following the Tiananmen Square crackdown remain in effect, with only minor modifications to take into account U.S. interests:

Arms and Military Cooperation: Weapons deliveries remain suspended as does military cooperation.

Embargo on Sales to Military/Police: No licenses are being issued to dual-use civilian technology items for the Chinese police or military.

Munitions List: Licenses for items on the munitions list remain suspended. (The only exceptions in 1990-91 have been for the Australian AUSSAT satellite project and Swedish Freja scientific satellite project).

Trade and Development Program (TDP) and Overseas Private Insurance Corp. (OPIC): No new activities since June 1989.

Export Control Liberalization: The U.S. remains opposed to considering proposals for easing COCOM controls on China.

World Bank Lending: The U.S. remains opposed to all World Bank lending except for basic human needs.

High-Level Exchanges: Regular, high-level exchanges, particularly those of a formal, ceremonial nature, remain suspended. Exceptions have been granted only to pursue issues of vital concern (e.g., human rights, nonproliferation issues, trade problems and regional issues, such as the Persian Gulf and Cambodia).

ADDITIONAL MEASURES

Over the past year the following additional measures have been taken to pursue specific U.S. interests:

Proliferation: The President rejected licenses for a Chinese satellite project and stated that the U.S. would impose additional sanctions on any Chinese company found to violate international guidelines on missile sales. Other measures are not under consideration.

Trade: The President authorized the designation of China for trade action under Special 301 for violation of U.S. intellectual property rights. Over $85 million in Chinese textile overshipments were blocked because of violations of the bilateral textile agreement. USTR has stepped up its consultations with China on the trade imbalance, with talks scheduled for mid-June.

ACHIEVEMENTS OF THE PRESIDENT'S STRATEGY OF ENGAGEMENT

Human rights—our dialogue has yielded results: Chinese lifted martial law; released 1000 political detainees; allowed Fang Lizhi to leave; began to provide accounting of detained dissidents and Christians; public commitment to prevent export of prison labor products (but Customs investigation continues to ensure that China upholding that

pledge); gave assurances on family reunification; resumed access to Tibet by diplomats and journalists.

Nonproliferation—the Chinese are beginning to move in the right direction: endorsed in principle effective and responsible international arms control; attended NPT RevCon in 1990; acceded to the Seabed Treaty in 1991; PRC and Algeria agreed to place their cooperation under IAEA safeguards; supported UN consensus on elimination of Iraqi weapons of mass destruction; President Yang Shangkun recently stated unequivocally that China had not sold any intermediate-range missiles and explicitly denied China had sold such missiles to Iran or Syria.

We have a genuine dialogue on proliferation issues, including our desire for a Chinese commitment to observe MTCR guidelines, join the NPT, and support early agreement of a Chemical Weapons Convention.

Global/regional issues—China continues to share common ground with us: supported the international consensus during the Gulf Crisis, including enforcement of military and commercial sanctions, observers to UNIKOM, relief supplies to Kurdish and Shiite refugees; cooperating with efforts to find a comprehensive political solution to the Cambodian issue—Chinese support, particularly with respect to the Khmer Rouge, will become even more important; shares our objective of reducing tension on the Korean peninsula—China has demonstrated positive influence contributing to regional stability by exchanging trade offices with Seoul and as is apparent in Pyongyang's decision to seek a separate UN Seat.

Trade—China acknowledging our concerns: In response to growing trade imbalance, Beijing has sent two buying missions to U.S., claiming purchases of $1.7 billion. On intellectual property rights, the government accelerated passage of copyright law—but it fell short of international standards. Chinese have demonstrated a readiness to discuss these problems both here and in Beijing. Asst. U.S. Trade Rep Massey is leading an IPR/market access delegation to Beijing June 12-15.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The point of no quorum having been raised, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suppose under the circumstances, I should ask unanimous consent also to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BOY AND HIS MOM: A PICTURE OF TRIUMPH

Mr. HELMS. Mr. President, we all have problems from time to time, and my father used to tell me that these problems usually turn out to be blessed if you handle them right. It took me a while to realize that he was correct about that.

In the same mail one morning last week, I received a letter from Dr. Norman Vincent Peale—surely one of the most remarkable men of our time—and in the same pile with Dr. Peale's letter was the May issue of Guideposts, that extraordinary little publication which Dr. Peale founded and of which he serves as editor and chief publisher. The interesting thing is the letter and the copy of the magazine arrived independent of each other. And that caused me to think.

Even though I had a busy morning ahead of me, as all Senators do, the thought occured that this little coincidence perhaps was an indication that there was something special in that issue of Guideposts that I should see. There was, Mr. President, indeed something that I ought to take the time right then to read and I did.

And that, Mr. President, is why I am here on the Senate floor making these remarks today. I hope that all Senators, and everybody else who peruses the CONGRESSIONAL RECORD, will read the lead article in the May issue of Guideposts—and, to make it easy for them to do so, I shall ask unanimous consent later to have this article printed in the RECORD.

Now you will recall, Mr. President, that I said at the outset that problems usually turn out to be blessings if you handle them right.

The article in Guideposts to which I refer is about a 7-year-old boy in Charlotte, NC, who was born prematurely and weighed 2 pounds and 12 ounces. He is the son of Jeff and Marie Gaskin of Charlotte, Jeff's full name is Jeffrey B. Gaskin, and he is in the securities business and a highly respected young man.

And Marie? Well, I have decided that Marie is bound to be saint—or, certainly, she qualifies to be one. But Marie does not think so. She just feels that she is a lucky mother who is a registered nurse in the acute hemodialysis unit at Presbyterian Hospital in Charlotte.

It turns out that Marie wrote this article for the May edition of Guideposts and I think, Mr. President, that you will be inspired when you read it. It is a story of 7-year-old Brian Gaskin who, as I said earlier, was born weighing 2 pounds 12 ounces, but that is not all of the story. Wait until you hear the rest of it.

Little Brian not only had to fight to stay alive right after his birth; Brian was born deaf and blind.

Now I am not going to try to relate Marie Gaskin's account about her son and how she and her husband Jeff found a blessing in what began as an incredibly sad set of circumstances. Marie's article is entitled, "A World of Hope and Beauty." And if you doubt it, just read the article from the May issue of Guideposts which I now ask unanimous consent to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without obligation, it is so ordered.

(See exhibit 1).

Mr. HELMS. Mr. President, in closing, I might mention that a splendid young woman from England, Samantha Winter, came to the United States 2 years ago to live with Jeff and Marie Gaskin and to serve as a resident tutor to Brian. Samantha has a cousin back in England who is deaf and blind and she knows something about the training of people with these kinds of disabilities.

Now, I will summarize briefly. I do not want to take the punch away from the story in Guideposts written by Marie Gaskin. But today, at age 7, little Brian Gaskin rides horseback; he swims; he fishes; he has learned sign language, or his mother has taught him sign language. He is an absolutely precious little boy.

And like my daddy said, if you have a problem, if you address it the right way, it turns out to be a blessing.

Mr. President, I am going to yield the floor reiterating the hope that all Senators and everybody else who receives the CONGRESSIONAL RECORD will read Marie Gaskin's beautiful story about her son, Brian. I think it will brighten your day.

EXHIBIT 1

A WORLD OF HOPE AND BEAUTY

(By Marie Gaskin)

When we found out we were expecting a baby, my husband, Jeff, and I imagined our child growing up in a Norman Rockwell world: going off to school with a new lunch box, learning to swim, catching fish, riding a pony, skating on white sidewalks. How impossible those simple dreams would seem later on.

Our son was born on a Sunday morning in July, two and a half months early. He weighed 2 pounds 12 ounces and he wasn't breathing. The nurse rushed him to neonatal intensive care.

The first time Jeff and I visited our son, I thought that I, a registered nurse, would be prepared. But when I saw him struggling desperately to survive, so fragile and tiny among all those wires and tubes, unable to breathe except with a ventilator, the blood drained from my face. As I gazed at my son, all my hopes seemed to collide with reality.

"We need to have hope," Jeff said back in my room. "We can endure anything if we have hope."

Hope. It seemed like the most elusive thing in the world, especially when the doctors weren't very hopeful. Besides his premature size, our son was very sick with toxoplasmosis, a rare disease that could cause blindness, deafness and brain damage—that is, if he survived at all.

Two days later when I visited our son, whom we named Brian, I noticed a stuffed dog in his crib, a gift from his nurse. Until now no one had brought him a gift, since no one expected him to live. I picked up the dog and gave it a squeeze. That small toy gave me a genuine breath of hope amid all the grim predictions. I named it Sparky the Guard Dog.

The next day, however, Brian's condition worsened. "Maybe you ought to hold him now," a nurse said. A rocking chair was

pulled near his ventilator and Brian was tucked into my arms. Then suddenly the cardiac alarm sounded. Brian's heart had failed. He was scooped from my lap as emergency measures exploded all around.

That evening, as a last-ditch transfusion dripped into Brian's veins, an eye specialist who'd been called in approached Jeff and me in the waiting area. "The news isn't good," he told us. "Brian is blind."

Jeff and I stood there like two extinguished candles, our faces dark and silent. "Are you sure?" Jeff finally asked.

"I'm afraid so," the doctor said.

Late that night Jeff and I went home, but sleep would not come. In the silence of my bedroom I began to have the feeling I should pray differently. Let go . . . surrender him to Me, and inner voice urged.

Lying in bed, Jeff and I prayed. We relinquished the seemingly hopeless situation to the Lord. We put Brian into God's hands. Then I fell asleep on Jeff's shoulder.

The next morning a call came from Brian's nurse. The transfusion had worked. Not only that, for the first time he was breathing without a ventilator. I hung up and twirled through the house, ecstatic.

Brian's condition gradually improved. Every day I went to the hospital and rocked him, singing every lullaby I knew, hoping he would come to know me by my voice. Jeff and I told each other that a blind child could still have a full life.

On a crisp October day I showed up at the hospital to take our son home. He was three months old. I was dressing him when the nurse handed me an envelope from Brian's doctors. Inside I found a list of homes: institutions and care facilities where I could send Brian to live. One of them was a home for the profoundly retarded.

I felt dazed. I shredded the list to pieces. Then I picked up my child and took him home. That night I found a permanent place for Sparky the Guard Dog in Brian's nursery.

That first year Brian was plagued by constant ear infections. I told myself that was why he didn't respond to noises as other children did. If I clapped my hands, he didn't turn around. And Brian made only vibratory sounds, no "da-da" or "ma-ma."

One bleak February day when Brian was 18 months old, the doctors sedated him to perform a brain stem audiometry. Jeff and I stood in the dimly lit room watching a green television monitor. I stood there willing the wave forms on the screen to rise and fall, which would mean Brian could hear. The lines were flat.

I wanted to scream that little babies cannot be born blind and deaf, that this could not be happening. Instead I walked slowly to the car, clutching Brian to me, struggling to keep myself from shattering to pieces inside.

At home I put Brian in his playpen and sank onto the sofa. Jeff had to return to work and I was alone. I sat there gazing out the window as gray clouds scrolled down the sky, enveloping everything in semidarkness.

I looked at Brian playing with Sparky. "Oh, Brian, how am I going to communicate with you? How will I tell you about God, or that I love you, and make you understand what that means?"

The next three days I moved like a shadow through the house. I did not go out. I barely ate. I felt sorry for Brian, sorry for myself. I kept imagining what it must be like to live in Brian's world, where not even a trace of sound or light penetrated. What sort of life would he have?

On the fourth morning, still robed in gloom, I carried Brian into the kitchen and put him in his high chair. I thought of the night he was close to death, how I had surrendered him to God. Where had all that brave hope gone?

Sunlight streamed through the bay window, shining on Brian's hair, weaving a little golden halo around his head. I stopped everything and looked at him. I was pierced suddenly with love, much love. And just like that a thought burned in me: *Regardless of how severe his handicaps are, his life is a beautiful, shining gift, and he can have a future . . . if only I break out of my prison of hopelessness and do everything in my power to help him.*

In the Bible it says that love hopes all things, that it endures all things (I Corinthians 13:7). Well, that was exactly what was happening inside me. I began to hope again. I shoveled oatmeal in Brian as fast as he could eat, then dressed us both and headed for the mall. I marched into a bookstore and bought a copy of Helen Keller's autobiography.

As I read that book, I marveled. Here was a woman who'd grown up deaf and blind like Brian will, yet she contributed more to the world than most seeing and hearing people. I read about her struggle to learn, about how her teacher, Annie Sullivan, never gave up hope.

Soon after that I met Joyce Kirchin, a teacher at the North Carolina School for the Deaf. She took a special interest in Brian and agreed to take him into her program even though she'd never taught a deaf-blind child. She also helped me learn my second language, sign language.

Armed with a repertoire of new words, I plopped Brian in his high chair one morning. I signed the word for juice on his cheek, curving my thumb and forefinger into the shape of the letter C and tracing the movement slowly across his skin. Then I put a cup of juice in his hands. After he took a sip, I took the cup away, and repeated the whole thing again. I did it over and over.

I was about to give up for the day when Brian slowly lifted his hand to his cheek and formed the letter C next to his mouth. I gasped. "Oh, Brian, you said juice!" I picked him up and danced around the kitchen. *Juice!* What a beautiful word!

I knew then Brian could learn. *Mama, Daddy, Brian, eat, sleep, walk, bath, fun*—it was slow work, but he picked up word after word. I signed "Daddy's home" in his hands each time Jeff arrived from work and gave him a hug. One day Brian signed "Daddy's home" as Jeff came through the door. How did he know? we wondered. We figured out Brian had known by Jeff's scent as well as the particular vibration of his footsteps on the floor. Indeed, over the next four years we discovered that Brian was an intelligent child, with a zeal for experiencing the world.

When he was five I accompanied his school on a field trip to a farm where the children were given pony rides. As Brian sat on the pony, he became animated. He signed "horse" over and over. I came away praying for a way he could ride again. A few days later a friend called. "I just read about a riding program for handicapped children, and Brian kept coming to my mind," she said. "I felt a nudge to call and tell you about it."

"Thank you, God," I whispered as I took down the information.

As we neared the horse stables a week later, I took Brian's hands and signed, "Brian ride horse today." And when I lifted him into the saddle, he buried his face in the animal's neck, feeling and sniffing. As the horse plodded off, Brian broke into laughter. "Horse fun!" he signed. "Brian happy."

At seven years old Brian still rides every week. When I see him up in that saddle, I often recall those things we dreamed about for our child before he was born; Brian has done every one of them. You should have seen him the first time he caught a fish or went careening down the sidewalk on a pair of skates with me in full chase, or dived into the swimming pool and came up sputtering. More than anyone, I love his daring and his passion for living.

I've learned a lot from being Brian's mom. Most of all, I discovered the enormous power of hope. Through the ups and downs of these seven years, I found there's nothing that suffocates potential and snuffs out the joy of life more than feeling boxed in by a hopeless situation. No matter what difficulty you struggle with, there's always a way to overcome it, transform it or find the best within it, if only you surrender it to God and don't give up.

Once, I felt convinced that I would never be able to communicate to my deaf-blind son and make him understand that I love him. Well, today when I sign the words *I love you* across his chest, his face lights with a smile and he reaches to hug me. If ever hope ceases to sing inside, remember that.

A LOUD HUZZA FOR JAMES P. GODWIN, SR.

Mr. HELMS. Mr. President, there is not a Member in the Senate who objects to helping the truly needy, particularly citizens who are not able to work due to physical disability or illness or otherwise being unable to go to work. But there is a plethora of public assistance programs—we are not allowed to call them welfare programs anymore, lest we be branded as hard-hearted—programs that encourage many to work only if and when they happen to want to work.

The Federal legalese classified these programs as entitlement programs. Congress has accepted this insanity, that welfare recipients getting the Federal assistance are entitled to the tax money taken forcibly from the overburdened taxpayers, and that these entitlements cannot and must not be reduced or eliminated. You hear that every time we work on a budget around this place.

Mr. President, I do not buy that nonsense; never have and never will. To the contrary, I have long been convinced, predating my running for the Senate the first time in 1972, that the taxpayers are being ripped off. And I am absolutely convinced that both the legislative branch and the executive branch, meaning Congress and the Federal bureaucracy, should limit—dare I say the word—welfare programs to the demonstrably needy; people who are needy because they are not able to work or for another legitimate reason.

These thoughts came to mind over the weekend when I received a copy of the letter written by James P. Godwin, Sr., who is president of Godwin Manufacturing Co. in Dunn, NC.

Mr. Godwin became justifiably enraged 2 or 3 weeks ago, when he re-

ceived one of these forms from the Harnett County food stamp office, which Mr. Godwin was to complete promptly and return to the food stamp office. The form concerned one of Mr. Godwin's employees who comes to work only when he feels like it, and most of the time he does not feel like it, or sometimes he comes when he does not have anything else to do.

I am not going to use the name of the employee, I will just call him John Doe.

The food stamp office wanted all sorts of information about Mr. Doe, in particular, how much Mr. Doe would be paid by the Godwin Manufacturing Co.

Mr. Godwin sat down and wrote this response to the food stamp office. He had in capital letters, "TO WHOM IT MAY CONCERN:

John Doe has been employed by Godwin Manufacturing since February 28, 1989, and his work has been satisfactory. We have only one problem and that is his attendance.

He does not want to work because of such programs as yours. He is now on temporary suspension (because he wouldn't show up for work). But he found enough time to get a (Federal) handout.

Knowing the nature of this claim, I will not be a party to any such actions and since you have been notified of his work habits, this should disqualify him. If this is not satisfactory, I will take necessary action to prevent this.

Very truly yours, Godwin Manufacturing Company, Inc., James P. Godwin, Sr., president.

Mr. President, John Doe, the name I have given this employee—who was suspended for his refusal to show up for work—will probably get the free food stamps. But I think Mr. Godwin deserves a loud huzza for taking the stand against using the taxpayers' money to subsidize an able-bodied man who just plain does not want to work, and who is convinced he is entitled to money taken from the hard-working, taxpaying citizens who are forced by their Government to subsidize people like this John Doe.

The real tragedy is that few politicians and Federal bureaucrats are even bothered by this situation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCLUSIONARY RULE

Mr. GRASSLEY. Mr. President, late last week and all of this week we started and will be continuing discussion of the criminal code reform legislation. One of the very important issues that is going to be involved in that debate, which debate has already started to a considerable extent, is the issue of the exclusionary rule as it deals, particularly, with Senator THURMOND, the ranking Republican on the committee, trying to change the underlying legislation that is before us to make it a much stronger bill for law enforcement.

The American people, of course, have a right to be secure in their dwellings, free from drug traffickers and other people who are constantly violating our law. This legislation does not deal just with drug traffickers but it brings considerable attention to the issue of law enforcement as drug trafficking is one of those segments of the criminal society that has tended to benefit a great deal from strict interpretation of the exclusionary rule. The American people also have a right to prosecute those who would flagrantly disregard the laws of the United States and hide behind the fourth amendment.

With the adoption of a meaningful reform of the exclusionary rule, no longer will evidence be thrown out of the courts when a law enforcement officer has acted in good faith—evidence that otherwise goes to the question of a defendant's guilt.

By adopting meaningful reform, we will send a message very loud and very clear: No longer will a guilty defendant get a free ticket out of jail. And we all know that that happens too often today.

It is important to remember that the exclusionary rule is not a part of the Constitution. It is a judge-made attempt, adopted by the Supreme Court for the use of the Federal courts in 1914, and for the States of our great country in 1961.

It was done by the Supreme Court to enforce the protection afforded under the fourth amendment which guarantees that the people shall be "secure in their persons, house, papers, and effects, against unreasonable searches and seizures" and thus to deter abusive law enforcement practices.

Throughout the years, some Members of the Supreme Court, such as Justice Black and Chief Justice Burger, have suggested that the exclusionary rule is not mandated by the fourth amendment. Rather it is judicially created and is, therefore, judicial lawmaking that Congress might negate.

As we all know, the rule excludes evidence from being considered at a criminal trial if proper procedures were not followed in the obtaining of that evidence.

This includes even the most credible and probative evidence, where a court has determined that the evidence is tainted by conduct of an official authority—such as a judge or a law enforcement officer—which contravenes the protection afforded by the fourth amendment.

The overtechnical reliance upon the exclusionary rule has resulted in criminals—who have, in fact, been caught in the act of committing a violent crime—being set free.

They are set free not because they are innocent, but because the evidence necessary to establish guilt is determined by some court to have been seized "unreasonably."

Enforcement of the exclusionary rule appears to demand that a criminal trial be a perfect exercise, and, of course, there is no constitutional or legal requirement that a criminal trial be of that perfect form.

In *Michigan* v. *Tucker*, (1974), Justice Rhenquist said:

Just as the law does not require that a defendant receive a perfect trial, only a fair one, it cannot realistically require that policemen investigating serious crimes make no errors whatsoever.

The foremost responsibility of law enforcement officers is to protect the citizenry of our country. Sometimes in the performance of those duties, a police officer or law enforcement generally may make a mistake.

Common sense must allow for the distinction between a wholly unreasonable search of one's person or home, and a simple and honest mistake.

Enforcement of the exclusionary rule does not allow for a common sense distinction to be made between flagrant violations and accidental errors, as it is applied by the courts today. A determination that the rule has been violated results in all tainted evidence being thrown out of that court.

In addition, the enforcement of the exclusionary rule affords no real protection or remedy for an innocent party whose fourth amendment rights have been infringed.

In 1984, the U.S. Supreme Court, in United States versus Leon, adopted a "good faith" exception to the exclusionary rule, in instances where a search was conducted pursuant to a warrant that was later invalidated.

The Supreme Court then recognized that it is absurd to attempt to deter conduct in those instances where a police officer, in good faith, conducted a search pursuant to what he or she considered to be a valid warrant; while it is determined by another court that the search violated the law due to deficiencies in the warrant.

The Thurmond amendment, which I hope will be successful, recognizes that it is as equally absurd to impose a rule which is meant to deter abusive police conduct in instances in which the officer is acting in good faith even without a defective warrant.

It seems to me that common sense ought to dictate and does dictate that so long as our law enforcement officers are acting in good faith and with probable cause, a rule, the purpose of which is to deter abusive law enforcement practices, should not be applied regardless of whether the officer has obtained a defective warrant.

So, Mr. President, I believe that any exception to the exclusionary rule should be valid only so long as the law enforcement officer has acted in good faith, and concludes that a particular set of facts and circumstances give rise to probable cause.

This amendment is not a carte blanche for law enforcement officials to run amuck through our towns and countryside.

Also, let me make myself crystal clear that in supporting the Thurmond amendment, I am in no way condoning the breaking of law by police officers. That cannot be tolerated.

However, some common sense must be restored to the operation of our criminal justice system, and I think the Thurmond amendment does just that.

Strict adherence to the exclusionary rule makes sense only in those instances where law enforcement personnel intended to break the law.

Make no mistake, we supporting this amendment in no way advocate abolishing the exclusionary rule.

I do, however, intend to maximize the availability of reliable physical evidence that may tend to prove the guilt or innocence of a defendant.

It is for these reasons that I hope this body will support the Thurmond amendment and oppose the provisions of S. 1241 that are not strong enough.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTARCTIC ENVIRONMENTAL PROTECTION PROTOCOL

Mr. DURENBERGER. Mr. President, 2 months ago in Madrid, Spain, the United States was 1 of 26 voting members of the 30-year-old Antarctic Treaty to tentatively agree on a draft accord prohibiting mining in the Antarctic for at least 50 years. After that date, the ban on mining could be lifted only if all current signers of the treaty concurred.

This past weekend, however, we witnessed the end of another round of negotiations designed to finalize this important international agreement. But, unfortunately, this most recent round of talks ended in disarray because the United States of America blocked this far-reaching environmental protection agreement, saying we needed more time to study the treaty's proposed ban on mining.

The U.S. announcement resulted in a compromise that would allow a country to opt out of the ban at the end of 50 years if three quarters of the 26 countries with voting rights agreed. Unfortunately, we would not sign that either.

It is true, Mr. President, that the United States is only 1 of 26 voting members. But, of the 26 members with full voting rights that subscribed to the agreement in April of this year, the United States was the only country to come to this round of talks unable or unwilling to secure its Government's approval for the protocol.

In other words, the President of the United States would not approve this protocol on behalf of the United States.

Mr. President, my initial reaction to this action by our Government is to ask, "Why would the United States stand alone among the 26 voting members in this conference and refuse to sign?"

There is now broad scientific consensus that trifling with the fragile ecosystem of Antarctica poses dangers to the entire world. Among many other dangers, of course, any warming of the Antarctic icecap and adjacent waters as a result of industrial activity would decrease the ocean's ability to act as a depositor of carbon dioxide—thus increasing the likelihood of further global warming.

Mr. President, we do not need more time to study this proposed agreement; we need action. A signature by the United States would send a strong and positive message that this country places global environmental concerns higher in priority than hypothetical economic interests a half century into the future. I believe that the United States refusal to sign this treaty now is nothing short of an international embarrassment.

President Bush has committed himself to the global environment. That commitment was evident last year when he signed measures directing his administration to work toward an indefinite ban on drilling in Antarctica. At that time, President Bush also vowed to take a leadership role on the issues being addressed in this draft treaty. For the administration to reverse itself now is a serious breach of faith in our own policy of encouraging good environmental stewardship—not just in this country—but all around the world.

Two years ago, as the President knows and as the Chair knows, I spent many hours on this floor discussing the bold international expedition across Antarctica led by my friend and fellow Minnesotan, Will Steger. That expedition was followed by millions of people all across the globe, partly because of the human adventure and tribute to the human spirit the Steger expedition represented. But actually millions around the globe also cheered on those seven brave men—from seven different nations—because their trip served as a graphic symbol of the international commitment to the future of Antarctica that all nations must equally share.

Mr. President, the United States does not need more time to consider, or reconsider, the decision made this weekend. And, although it is now too late to preserve this truncated conference, it is not too late to save the Antarctic.

The environmental evidence warranting our signing exists. The United States has said it agrees with all other aspects of the draft treaty. It would be a terrible shame to negate its future environmental benefits by not signing the treaty now.

In October of this year, the delegates working on this treaty will again meet in Bonn, Germany. It is my sincere hope, and I will communicate this to the President of the United States, that prior to that date, the United States of America will be able to give its full support to this very worthy international effort.

I intend to work to make sure we do not let our "partners in global stewardship" down again, and I hope my colleagues will join me. Each of us owes that commitment—not just to ourselves—but to the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. METZENBAUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INOUYE). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

VIOLENT CRIME CONTROL ACT

The PRESIDING OFFICER (Mr. BRYAN). The Senate will now resume consideration of S. 1241, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1241) to control and reduce violent crime.

The Senate resumed consideration of the bill.

Pending: Thurmond Amendment No. 368, to permit exceptions to the exclusionary rule in searches where there was no search warrant if conforming to the Fourth Amendment, and to permit the admission into evidence of a firearm however it is seized or found.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. Mr. President, I ask unanimous consent that once this agreement I am about the request be entered, Senators BIDEN and THURMOND be recognized to offer a compromise amendment with respect to the death penalty provisions that are included in the bill that is at the desk; that there be 10 minutes equally divided and controlled in the usual form for debate on the amendment; that following the conclusion or yielding back of the time on the Biden-Thurmond amendment, it be considered agreed to as original text for the purpose of further amendment; further, that Senator INOUYE be recognized to offer an amendment relative to the application of the death penalty in Indian tribal lands, on which there be a time limitation of 40 minutes equally divided and controlled in the usual form; that only one amendment to the amendment be in order, by either Senator THURMOND or his designee, with respect to the application of the death penalty on Indian tribal lands; that following the conclusion of debate on the Inouye amendment today, the amendment be laid aside until 10 a.m. tomorrow, at which time Senator THURMOND or his designee be recognized to offer his second-degree amendment, on which there be 30 minutes equally divided and controlled between the offeror of the amendment and Senator INOUYE; that votes on both the second-degree amendment and the Inouye amendment occur immediately following the disposition of the Thurmond amendment No. 368, which vote has been scheduled to occur at 11:30 a.m. on Tuesday morning; that following the conclusion of the debate on the Inouye amendment, Senator BIDEN be recognized to offer an amendment modifying the application of the death penalty with respect to drug kingpins in which no murder has been the direct result of the crime; that there be 30 minutes of debate on the Biden amendment equally divided and controlled in the usual form with no amendments to the amendment in order and with a vote occurring on the Biden amendment immediately following the vote disposing of the Inouye amendment, as amended, if amended, without intervening action or debate on Tuesday.

I further ask unanimous consent that when the Senate reconvenes following the party conference luncheons on Tuesday, Senator SIMON be recognized to offer an amendment substituting life imprisonment without the possibility of parole for the death penalty provisions in the bill, on which there be 1 hour of debate equally divided and controlled in the usual form, with no amendment to the amendment in order, and with a vote occurring on the amendment when all time has been yielded back; that following the conclusion of the vote on the Simon amendment respecting life imprisonment, Senator HATFIELD be recognized to offer an amendment relative to televised executions; that there be 90 minutes of debate equally divided and controlled in the usual form, with no amendments to the amendment in order and with a vote occurring on that amendment Tuesday immediately following the conclusion or yielding back of the time, and that Senator HATFIELD, if he chooses, may withdraw his amendment; that the Senate in recess tomorrow to accommodate the usual party luncheon conferences, commencing with the conclusion of a rollcall vote on the Biden drug kingpin amendment; provided further, that during the pendency of this amendment no amendments to text proposed to be stricken nor motions to recommit the bill be in order.

That is my unanimous-consent request, Mr. President.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The text of the agreement is as follows:

Ordered, That at 10 a.m. on Tuesday, June 25, 1991, the pending amendment be amendment No. 370 by the Senator from Hawaii (Mr. Inouye) and that the Senator from South Carolina (Mr. Thurmond), or his designee, be recognized to offer a 2nd degree amendment; that it be the only 2nd degree amendment in order and that there be 30 minutes debate, to be equally divided and controlled between the offeror of the amendment and the Senator from Hawaii (Mr. Inouye).

Ordered further, That at 10:30 a.m. there be 1 hour of debate, equally divided and controlled in the usual form; and that at 11:30 a.m. a vote occur on, or in relation to, amendment No. 368.

Ordered further, That immediately following the vote on amendment No. 368, there be votes on both the 2nd degree amendment to the Inouye amendment and the Inouye amendment, No. 370.

Ordered further, That a vote on the Biden amendment, No. 371, occur on Tuesday, June 25, 1991, immediately following the vote disposing of the Inouye amendment, No. 370, as amended if amended, without intervening action or debate.

Ordered further, That following the vote on the Biden amendment, the Senate stand in recess to accommodate the usual party luncheon conferences.

Ordered further, That on Tuesday, June 25, 1991, when the Senate reconvenes following the party conference luncheons, the Senator from Illinois (Mr. Simon) be recognized to offer an amendment substituting life imprisonment without possibility of parole for the death penalty provision in the bill, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, with no amendment to the amendment in order, and with a vote to occur on the amendment when all time is used or yielded back.

Ordered further, That following the vote on the Simon amendment, the Senator from Oregon (Mr. Hatfield) be recognized to offer an amendment relative to television executions, on which there shall be 90 minutes, equally divided and controlled in the usual form, with no amendments to the amendment in order, and with a vote to occur on the amendment immediately following the conclusion or yielding back of time.

Ordered further, That the Senator from Oregon (Mr. Hatfield) may, if he chooses, withdraw his amendment.

Ordered further, That no amendments to the text proposed to be stricken, nor motions to recommit the bill, be in order.

AMENDMENT NO. 369

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. BIDEN, proposes an amendment numbered 369.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BIDEN. Mr. President, if the Senator will yield for just a moment for a unanimous consent, I ask unanimous consent that the Thurmond amendment numbered 368 be temporarily laid aside to permit the consideration of the Biden-Thurmond amendment that has just been offered and that the Thurmond amendment No. 368 reoccur at 10:30 a.m. on Tuesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise today to offer a bipartisan version of the Federal Death Penalty Act which I drafted with my colleague Senator BIDEN. It is very similar to what the Senate passed last year as part of the 1990 crime bill. It provides the necessary procedures for the imposition of the death penalty and provides the death penalty for certain serious Federal offenses. Working together, Senator BIDEN and I consulted with the Department of Justice and have resolved several of the major differences between the death penalty titles of the President's and the Democrat's crime bill. It is a workable and tough Federal death penalty.

For example, Senator BIDEN agreed to adopt the President's drug kingpins provisions. In addition to covering over 40 Federal offenses, the amendment also authorizes the death penalty for three categories of drug offenders. The bill authorizes the death penalty for the leaders of the largest drug enterprises, who are currently subject to a mandatory term of life imprisonment under title XXI. In addition, other leaders of drug enterprises who attempt to obstruct justice by attempting to murder persons involved in the criminal justice process are covered. It also covers other persons who commit murders in the course of drug felonies.

This amendment also includes a provision from the President's bill which

permits the presentation of victim impact evidence at the sentencing phase of a death penalty case. It specifies that evidence may be presented at the sentencing phase of a death penalty case concerning the effect a vicious murder had on the victim and the victim's family. Such evidence may include the suffering of the victim and the victim's family's anguish and distress. Not only does this amendment allow for such victim impact evidence, it also deletes troublesome provisions from the underlying bill which would have mandated that the Government be bound by the Federal rules of evidence and criminal procedure in the sentencing phase of a death penalty case.

Senator BIDEN and I have also worked together to clean up the language which governs jury instructions. We have also worked to ensure that the bill contains an adequate list of aggravating factors. For example, this amendment will allow for consideration of the death penalty for murders committed by killers with prior records of firearms violence.

In closing, this amendment provides procedures similar to those put in place by the death penalty passed last year. It is time for Congress to pass a workable comprehensive death penalty. The law-abiding citizens and this Nation demand action and they demand it now. I am pleased that we have been able to work out a bipartisan Federal death penalty.

For these reasons, I urge my colleagues to support this amendment.

Mr. BIDEN. Mr. President, the Senator from South Carolina and I seem to have been doing this for a long, long time; that is, it is our responsibility to bring to the floor, hopefully get passed by the Senate, a meaningful anticrime and antidrug legislation. We always find ourselves in an area that is probably the most highly contentious, the most—how can I say it?

I guess the best way to say it is this: When the Senator and I bring a bill to the floor on a matter relating to antitrust, or we bring a piece of legislation to the floor on conventional forces agreement, as we will soon, or we bring a piece of legislation to the floor regarding foreign policy, or even contentious nominations, most of our colleagues, the way this organization functions, acknowledge somewhat of an expertise as a committee and they tend to be guided, as we do, by the committee structure here, the will of the committee.

But if there is one area where everyone in the U.S. Congress views themselves sufficiently expert, to have a firm view on it, it is in the area of law enforcement, the criminal justice system, and national drug policy. I do not say this critically. It is easy for everyone to have an opinion on that.

So the Senator and I, over the years, have learned that unless we are willing to compromise we are not able to bring a vehicle to the floor here that can allow for reasoned debate and, to be very blunt about it, under the Senate rules debate in a relatively timely fashion, so we do not spend the entire summer on the crime bill.

We both, after having had the so-called big vote substitute or to amend the Biden amendment, Biden bill, which is at the desk, we decided that we should not both insist on everything we wanted, and in this very contentious area that we should try to reach a compromise so we could begin to narrow the differences, and also narrow the scope of the debate a little bit. That is what we have been about for the last 2 days, attempting to negotiate that.

It is true as the Senator says that the Biden-Thurmond compromises on matters relating to the death penalty are before us, and we both did agree. But as you will soon find out, each of us has reserved the right to amend some portion of the so-called Biden-Thurmond amendment we just sent up.

For example, there is a death penalty provision that I believe to be unconstitutional, and that is to allow the death penalty to be imposed where no death results from the crime. I believe the Supreme Court is fairly clear on that, and notwithstanding the fact that I believe it is unconstitutional, in order to get this moving I agreed to put it in this substitute provision.

So I will be moving to amend my own amendment here in a moment. But as arcane as it may seem to the people here in the gallery and many who listen to this on C–SPAN, it is necessary to get the debate underway. We both gave a good deal. My friend from South Carolina gave on repealing the drug penalty procedures, on mandating the death penalty where there are no mitigating offenses, and omitted some of the aggravating factors in the President's crime bill. So we both made concessions.

But that is the only way we are going to move. We both have been here long enough to understand in all likelihood where we are going to end up on this legislation. We just voted on this legislation a year ago. There seems to be a pretty broad consensus.

For example, instead of amending it the way the Senator wanted, we agreed to not include the execution of the mentally retarded, a position I feel very strongly about. So we made some compromise. Now we are about to debate and vote in the order our unanimous-consent agreement called for.

So with that very brief and somewhat tedious explanation on my part, we are about to settle over the next day and a half the issue relating to the death penalty. Then I hope we will be able to do the same with regard to habeas corpus, and then maybe the most contentious provisions except guns will have been debated, voted on, set aside and we are able to move on so we are ultimately able to get to the point where we can vote on the crime bill.

With that brief explanation, let me now yield the floor, to comply with the unanimous-consent agreement, to our friend from Hawaii who has been extremely generous in his cooperation allowing this process to go forward to introduce his amendment. I thank him again for his cooperation.

I might note parenthetically, we were in this negotiating process and he was not present. I said well, we do not have agreement on this one item. They said who is it? I said who is holding this up? They said Senator INOUYE. I said Senator INOUYE is one who always is compatible and to this he should understand that each of my Republican colleagues said that is true. We do not have a problem if it is Senator INOUYE.

So I want to thank him again for his cooperation and thank him for the gentlemanly way in which he has allowed this process to go forward. I might note at the outset I strongly support the effort he is about to undertake which is to protect Indian land.

With that I yield the floor.

The PRESIDING OFFICER. Before recognizing the distinguished Senator from Hawaii, Senator THURMOND has 1 minute 51 seconds left on the time allocated to him pursuant to the unanimous-consent agreement. Does the Senator yield that time?

Mr. THURMOND. I am pleased to yield it.

The PRESIDING OFFICER. All time has been yielded by the Senator and the time allocated to Senator INOUYE having expired, pursuant to the unanimous-consent agreement the Senator from Hawaii [Mr. Inouye] is now recognized.

AMENDMENT NO. 370

(Purpose: To accord Indian Tribal governments a right similar to state governments to determine whether the death penalty should apply to offenses committed by Indians within their jurisdiction)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 370.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, insert the following: "Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this

title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction."

Mr. INOUYE. Mr. President, the amendment before us has been before this Senate since Thursday when this body began the consideration of this crime bill. Up until a few moments ago this amendment was section 3598 of this bill. As part of the agreement reached by the distinguished chairman of the Judiciary Committee and the ranking Republican member, this section, section 3598, was taken up, and it is my intention to reinstate this section in the bill.

Mr. President, perhaps the most important point to understand about this amendment is that it is premised upon the sovereign status of tribal governments.

It may be difficult for most Americans to understand that Indian governments are sovereign governments. Accordingly, it has nothing to do with race or ethnicity. It has nothing to do with so-called special interest groups. Mr. President, we all should know that the U.S. Constitution and the debates in the Continental Congress recognize and address Indian nations based upon their status as governments. This has been true since the earliest of times in our history.

Mr. President, it is most appropriate that on June 14, 1991, just a few days ago, the President of the United States issued the following statement. I would like to read part of that into the RECORD. The statement reads as follows:

On January 24, 1983, the Reagan-Bush administration issued a statement on Indian policy recognizing and reaffirming a government-to-government relationship between Indian tribes and the Federal Government. This relationship is the cornerstone of the Bush-Quayle administration's policy of fostering tribal self-government and self-determination.

This government-to-government relationship is the result of sovereign and independent tribal governments being incorporated into the fabric of our Nation, of Indian tribes becoming what our courts have come to refer to as quasi-sovereign domestic dependent nations. Over the years, the relationship has flourished, grown, and evolved into a vibrant partnership, in which over 500 tribal governments stand shoulder to shoulder with the other governmental units that form our Republic.

Indeed, the Constitution only speaks in terms of governments: State governments, the national governments, tribal governments, and the governments of foreign lands. Thus, when we speak of "Indian country," we refer to a Federal jurisdictional framework that is based upon the jurisdiction of governments. The term "Indian country" instructs us as to which governments will have jurisdiction over lands defined as Indian country. This term does not refer to the people who may occupy or reside on lands that are defined as Indian country.

So, Mr. President, let us not allow ourselves to be confused by references to racial or ethnic groups. For those who are not familiar with the context in which we are discussing this issue, there may be a tendency to think of Indian people in racial or ethnic terms.

But, Mr. President, the Supreme Court has held that it is the government-to-government relationship between the United States and Indian nations—the political and legal relationship of tribal governments with the Federal Government—that distinguished laws enacted for Indians. The Constitution recognizes this relationship and vests in the Congress plenary authority over Indian affairs. It does so not based upon treaties, as some have mistakenly understood; rather, the United States entered into treaties with Indian nations because we recognize their sovereignty.

Mr. President, as many of us recall, by reports, speeches, and the CONGRESSIONAL RECORD, there was a time when these Indian nations sent ambassadors to the District of Columbia to be accredited with the President of the United States. There were hundreds of ambassadors representing Indian nations.

Within our constitutional framework, there are three domestic units of government: The national government, State governments, and the tribal government. With regard to the relations among those governments, tribal governments, like State governments, have a direct relationship with the Federal Government.

Recognizing the equality of their governmental status as it relates to the Federal Government, this amendment accords to tribal governments a status similar to that of the State governments, namely that tribal governments, like State governments, can elect whether or not to have the death penalty apply for crimes committed within the scope of their jurisdiction.

Currently, Mr. President, Indian tribal government have criminal jurisdiction over all Indian people on their reservations. I repeat that: "All Indian people on their reservations." They do not have jurisdiction over non-Indians.

This amendment does not expand the criminal jurisdiction of the tribal government. The bill before us, S. 1241, would provide the death penalty for specific offenses committed on Federal lands or prosecuted in Federal courts.

In the context of its application in Indian country, Mr. President—this is important—we are not talking about capital crimes, such as treason or the assassination of the President of the United States, because for those crimes, the death penalty will apply without regard to what would otherwise be within the scope of a State or tribal jurisdiction. This Federal law will preempt the laws of the States and tribal government, as it refers to capital crimes.

But where the death penalty would apply only if a State elected to have it apply, this amendment would allow a tribal government to have the right to make the same election. To understand why the death penalty issue is one that affects the Indian country in a unique way, it is important to understand the context in which the proposed bill would apply.

First of all, of all lands subject to Federal court jurisidiction in the bill before us, only Indian reservations have significant permanent populations. We are not talking about the national parks where the permanent populations are made up of bears and antelopes; we are talking about reservations. Second, with some exceptions provided by the Congress, State law does not apply on Indian reservations. Thus, in most instance, it is tribal and Federal laws exclusively that apply on Indian reservations.

With regard to crimes defined under the Federal law, the provisions of the Major Crimes Act extend Federal law to crimes committed on Federal lands, including Indian lands. According to a recent article in the Washington Post, those that commit murder on Indian reservations comprise over 50 percent of those charged with first degree murder within the Federal court system. Because that is the only population there.

Further, testifying before the Committee on the Judiciary, Federal public defenders have suggested that as many as 70 percent of the total number of persons convicted of first degree murder in the Federal system are Indians. And yet, these Indians have committed less than 2 percent, or about 1.6 percent, of the crimes of the United States. Yes, they represent 1.6 percent of all offenders in the United States. Yes, they represent 1.6 percent of all offenders in the United States. Yet, because of the quirk in this law, 70 percent of those charged with first degree murder under the Federal law will be American Indians.

In the absence of some modification to address this differential impact, 70 percent of all death sentences imposed by this law would be imposed upon Indian people, without the right of election.

The State of Hawaii, for example, has elected to have no death penalty. In the State of Hawaii we have so elected because the people have decided that they were against the death penalty. All we are asking by this amendment is to give the sovereign people in the sovereign governments of Indian country the same right.

Mr. President, as we all know the U.S. Constitution, Federal statutes, and Federal court decisions recognize Indian tribal government as sovereign entities.

In the exercise of their sovereign powers and authorities, tribal governments administer tribal law, and although State law does not generally apply on Indian reservations, tribal governments may elect to have certain State or Federal laws apply within their respective jurisdictions.

So, consistent with this sovereign status of tribal governments within the Federal system, I wish to call upon my colleagues to support this amendment because it will allow the death penalty to apply on Indian lands upon the election of a tribal government, the same right that our 50 States have at this moment.

This provision serves the additional purpose of diminishing the differential impact that a Federal death penalty will have upon Indian people while at the same time conforming S. 1241 to the existing statutory framework affecting Indians and to our government-to-government relationship with Indian tribal governments.

Incidentally, Mr. President, the wording of this amendment reflects a refinement of the language of the amendment that was the subject of Senate debate in the last Congress which this body adopted.

It is carefully circumscribed to assure that tribal government's election as to the application of the death penalty will apply only to crimes defined under Federal law and only to those that come within the jurisdiction of a tribal government for criminal purposes, namely Indian people as they are defined in the Major Crimes Act. It will not apply to non-Indians.

Should a crime bill, the bill before us, be enacted into law, the death penalty will apply on Federal lands for Federal crimes.

State governments will still have the option of determining whether the death penalty will apply to crimes committed within their jurisdictions.

This amendment will accord tribal governments the same right to elect to have the death penalty apply to crimes committed within Indian country, consistent with their sovereign status within the Federal system.

And, Mr. President, I fervently believe that we must act to assure that the first Americans of this country do not become the unintended victims of a law that is otherwise designed to treat all governments equally.

Mr. President, American Indians are the first citizens of this land, first Americans of this land, and as such, throughout the history of our relationship, they have assisted our Government in every endeavor. In every war, Native Americans have volunteered—and it may interest my colleagues to know that in the most recent war, the desert war, Desert Storm, Indian participation was seven times the national norm. Their representation was the largest of any ethnic or racial group and most of them served in combat. And thus has been the case in the Vietnam war, in the Korean war, in World War II, and World War I.

These are men and women who have shed their blood to indicate their love and allegiance to our Government but at the same time they are well aware that their governments by the Constitution of this land and by statutes of this land are sovereign. The least we can do is to recognize their sovereignty and to make it apply in this law.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. BURDICK). The Senator has 4½ minutes remaining.

Mr. INOUYE. I reserve the time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield the remainder of my time to the Senator from New Mexico.

Mr. DOMENICI. I do not think I can use it all because I have to leave.

I yield myself 3 minutes.

Mr. President, this is a very forthright amendment. I am a cosponsor, and last year the U.S. Senate, by an overwhelming vote, approved a similar amendment on a similar crime bill. I hope they will do that again.

Essentially, this amendment boils down to a very basic proposition. I happened to check today to see how many States do not have the death penalty, and I think I am right. About 14 States in the Union do not even have the death penalty yet.

The Senator from New Mexico is for the death penalty, but I believe that you can be for the death penalty and be for something else, and I happen to be for something else, and that happens to be Indian sovereignty and Indian self-determination.

I frankly do not believe that it is fair for the U.S. Congress to determine the death penalty for the Indian people; that is, for Indians who commit murder on Indian reservations—and that is all we are talking about, our Indian people who commit crimes for which a State would have the death penalty. I do not believe it is right for us to do that automatically.

We ought to recognize the Indian people, their legislative bodies, and this amendment gives the Indian legislature bodies, their tribal councils, the authority to elect whether or not murder committed on their land by an Indian is subject to the death penalty or not—very simply, basic fairness, as I see it.

Some will argue discrimination because, in fact, the Indian-elected group may not vote for the death penalty. Are they claiming discrimination as to the 14 States who do not have the death penalty? Their neighboring States have it. So when you walk across the State line and commit that crime, you will have the death penalty in one State and not the other, and it was not but 2 or 3 years ago there were many more States without the death penalty.

Frankly, I believe if I were an Indian leader, I would be pushing that tribal council to vote in the death penalty for the kinds of murder that entitles one to the death penalty. Sooner or later, the Indian people will make those kinds of decisions themselves.

So, essentially this is fairness, a recognition of Indian sovereignty, Indian self-determination. When it really counts, are we not going to count it, or are we?

And Senator INOUYE and Senator DOMENICI say "yes." If they do not vote in through their tribal-elected officials the death penalty, then it will not apply on Indian country as to murder committed by an Indian. I think that is fair.

All the other first-degree, death penalty provisions of this new statute about killing an FBI agent, killing the President of the United States, we do not change that. They require the death penalty wherever it occurs anywhere in America. In fact, if a conviction for one of these crimes occurs in 1 of these 14 States, where there is no death penalty, the Federal provisions for the death penalty apply there also.

I think there are some who would argue that the Indian governments should not have the same rights as States. I believe they should have the same rights and that is why I join with my friend from Hawaii. Without this right, the high numbers of Indians receiving the death penalty are going to be absolutely deplorable. It is going to apply to all Indian people, who commit 60 to 70 percent of all murders on Federal land. Yet they have not even had a voice in whether or not the death penalty should apply unless we adopt the Inouye-Domenici amendment.

I yield the floor and thank the Senator for yielding me some time.

Mr. THURMOND. Mr. President, I must oppose this Federal jurisdiction amendment.

The proposed amendment would grant sovereign authority to Indian tribes to establish laws impacting upon the conduct of individuals within the boundaries of a Federal reservation. The amendment would allow an Indian tribe to choose whether to have the Federal death penalty apply to members of that tribe if the murder occurred on Indian country.

This amendment is the result of the jurisdictional issues surrounding the operation of Federal criminal law on Indian reservations. Stated simply, most of the Indian tribes do not want to have this criminal provision apply to them. This amendment would have the effect of exempting Indians who commit heinous, vicious murders from the death penalty simply because their tribe does not like it. Let me repeat—

it will exempt Indians residing on Indian lands from the Federal death penalty, even though they are under Federal jurisdiction, simply because they are Indian. This amendment would set a dangerous precedent. If it passes, what will prohibit every other special interest group from coming to the Senate and seeking an exemption from a criminal statute simply because they are opposed to it? The answer is nothing would.

Supporters of this amendment claim Indians would be treated unfairly under the present bill because they account for a vast majority of the murder cases in Federal court. These numbers ignore the fact that a vast majority of these cases are not capital cases. While many may qualify at first degree murders, they are not all capital murders. Simply put, the death penalty would be rarely, if ever, sought in these cases. Again, as in the case of the Racial Justice Act, statistics are being used in an attempt to weaken this bill.

Mr. President, the death penalty title of this bill applies to those who commit heinous, depraved offenses. The legislation applies equally across the board to anyone who commits such a crime within Federal jurisdiction. This death penalty proposal operates on the nature of the offense committed, not on whether the defendant is an Indian. Supporters of this amendment argue that if an Indian kills an Indian on Indian land in a State where there is no death penalty, he could face the death penalty. Whereas, if someone commits a murder outside Indian land in that same State, he would not face the death penalty. This argument ignores the fact that currently there are numerous murders presently occurring on Indian land, in as many as 36 States which authorize the death penalty, where the Indian defendant does not face the possibility of a death sentence. Further, this amendment would say that murder victims who are Indian, which account for most of the victims on Indian land, are worth less than other victims of murder where the Federal Government has jurisdiction.

Mr. President, we should view this amendment for what it really is—special interest legislation. The Indians want to control and define criminal law on Indian land. Yet, the question regarding who has criminal jurisdiction within Indian country is controversial and has been debated for decades. Time and time again Federal courts have determined that the Federal Government has this authority. In cases which date back as far as 1831, the Supreme Court of the United States has determined that the Federal Government has the authority to enact criminal laws affecting Indian territory.

Mr. President, this amendment's proponents, in reality, are opening the door to expansion of the Indian territories' role in creating and defining criminal law. In other words, it expands Indian country automony despite the fact that the Federal Government has historically asserted and held criminal jurisdiction over Indian land. The supporters of this amendment now want the Federal Government to give up that authority. For the Senate to pass this amendment would be a major precedent which is contrary to decades of Federal law and policy. This amendment would exclude Indians from Federal criminal law by expanding sovereign authority beyond what is appropriate for Indian tribes. Indian tribes, to my knowledge and according to the Select Committee on Indian Affairs, have never had the authority to opt in or out of a particular Federal criminal statute.

Mr. President, any claim which asserts that to subject the Indians to the death penalty is without precedent is clearly incorrect. Violent crimes involving Indians in Indian country have been subject to Federal law since 1885 when Congress enacted the Major Crimes Act of 1885. Since that time, Indians on Indian land have been subjected to Federal penalties, including the death penalty, for murder, and other serious crimes against Indians. In fact, Indians are currently subjected to the death penalty for certain drug-related murders under the Controlled Substances Act. Federal death penalty statutes are nothing new to Indian country.

In summary, those who commit heinous, depraved murders should face the death penalty. There should be no exception. This legislation applies fairly to all who commit vicious murders.

For these reasons, I strongly oppose this amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. INOUYE. Mr. President, I yield myself the 45 seconds.

Our Founding Fathers drafted the Constitution and decided that Indians were sovereign. We did not decide that. The wisdom of our Founding Fathers decided that.

In succeeding Congresses, our predecessors found it in their wisdom to continue this policy of the United States, and most recently on June 14, 1991, the President of the United States, the Honorable George Bush, reiterated the sovereign and independent status of Indian nations.

All we are doing is to provide the Indian nations the same right as State governments have. Mr. President, not all States have opted for capital punishment. The State of Hawaii, I am proud to say, is one of the 14 that do not have capital punishment. Yes, we do have heinous crimes in our State, as they do in all States. But we have decided, our people have decided not to apply capital punishment upon our defendants.

Some of the Indian nations will opt for capital punishment. Some may not. But I think it should be their sovereign right to elect how their people will be treated.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it does not make very much sense, if an Indian kills an Indian or anybody else who is not on the Indian territory, he can get the death penalty if the State has such a law. But if he kills someone and he just crosses the line onto the Indian territory, then he cannot get the death penalty. Does that make sense?

We have to be practical. Indians are American citizens. Are you not discriminating against them when you try to put them in a different category and characterize them in such a way? If they are American citizens, they should be treated like American citizens. They should be treated like everybody else, whether they are blacks, they are whites, they are reds, they are tans, or they are Indians. If they are Indians, American citizens, treat them all alike. Why make an exception because they are Indians?

According to the position that my good friend has taken—and he is my good friend—if an Indian on a reservation kills another Indian, or anybody else, it does not matter how vicious the crime, it does not matter how depraved the crime, he cannot get the death penalty. He cannot get that death penalty. Whereas if he was off the reservation, he could get the death penalty.

In other words, you have a line of demarcation here: Off the reservation, you can get the death penalty; on the reservation, you cannot. All you have to do is step over the line onto the reservation, then you cannot get the death penalty.

Mr. President, is that fair? Is that American? Is that jurisprudence that we want to have in this country? Why not treat everybody alike? We are all American citizens. Indians have every right any other American has. Why not hold them to the same responsibilities? I think most of them really feel that that would be just.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 10½ minutes remaining.

Mr. THURMOND. I reserve the remainder of my time Mr. President. I suggest the absence of a quorum.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. THURMOND. I have no objection, Mr. President.

Mr. KERREY. I thank the Senator from South Carolina.

Mr. President, I am going to ask unanimous consent that without any

time being charged to either side, I be allowed to speak as in morning business for a period of 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S HEALTH CARE POLICY: LEAPING THE CHASM IN TWO JUMPS

Mr. KERREY. Mr. President, I rise to offer comments on four stories on health care in America which appeared in yesterday's and today's newspapers.

The first, in yesterday's New York Times, reported that President Bush decided to delay additional funding for childhood immunization, even though last week the President announced he was sending some of his senior officials out in the field to find out "why kids aren't getting immunized."

The second, in this morning's Washington Post, reports Sunday's speech by Secretary of Health and Human Services Louis Sullivan to the American Medical Association in which the Secretary warned doctors to hold down medical costs if they want to avoid "a total Government takeover of health care."

I must, with respect, inject my amazement at Secretary Sullivan's willingness to use the old routine, "The Government is going to get you if you don't watch out," to the American Medical Association. Of all people, Secretary Sullivan must know the American Government already has doctors in a growing web of paperwork and cost shifts. He must also know Government pays for 42 percent of all health care today, plus an additional 10 percent in the form of an income tax deduction.

Mr. President, the American Medical Association must have been amazed themselves, since a month ago during a visit with Governor Sununu, they were chastised for simply raising the issue of the urgent need for national reform of our health care financing. I suspect the AMA was also amazed by the President's emphasis on childhood immunization; apparently word of the President's reversal had not reached the Secretary.

The third and fourth articles, which I call to the attention of my colleagues, appeared in today's Wall Street Journal. They talk about the trouble President Bush and the Republican Party are having responding to America's health care crises of rising cost and diminishing coverage.

I ask unanimous consent that the text of all four articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERREY. Mr. President, these articles are noteworthy for several reasons. They suggest the administration is finally waking up to the reality of our health care crisis. Dr. Sullivan correctly identified the core of that crisis, an explosion of health care costs, when he said:

> We must be concerned that consuming ever larger portions of GNP on health care necessarily diverts resources from other good uses. For example, increased wages, savings, capital investment, research and development, and human services.

And the President correctly identified one of the many inexcusable coverage gaps in our Nation's health care system by drawing attention to a dangerous recurrence of measles and other preventable diseases.

Last year saw over 27,000 cases of measles, including 89 deaths, Mr. President—the worst outbreak since 1977.

These numbers are not unrelated to the cost crisis that Secretary Sullivan described. Our system of financing health care—the fragmented, inefficient system that lets costs soar—has systemic ways of responding to higher costs. First, when costs go up, it gives employers and insurers an incentive to cut back on coverage rather than giving society incentives to restrain costs. Thus, the number of Americans without health insurance is millions higher than a decade ago. Second, even as costs go up, our financing system continues to encourage expensive procedures, like MRI and CAT-scans, at $1,000 a shot, but does not encourage an employer—or a President—to fund preventive services such as immunizations, which may cost $25 a shot.

These are the problems of a system of financing health care that is simply out of control. But the question occurs: Why is the administration just waking up to these problems now? After all, health care costs have been on a wild trajectory up, and health care coverage has been on an alarming trajectory down, for over a decade. The President himself in the campaign of 1988 promised to allow Americans to buy into Medicaid, but apparently after examining the costs has decided against that worthy objective.

The two Journal articles suggest why this awakening is occuring now. The first notes that Republican Members of Congress have begun to hear an outcry from their constituents. And the companion article suggests that even though White House Chief of Staff John Sununu seems comfortably unconcerned about America's health care crisis, that crisis has nonetheless begun to strike the Republican Party in a very personal painful way—the same way it has struck millions of Americans.

The article relates a very sad but all too typical story about what often happens when Americans do get sick. It said that when Lee Atwater, the late Republican chairman, was tragically stricken with a brain tumor, the Republican National Committee's insurance carrier threatened to triple the RNC's rates if they did not drop Mr. Atwater's coverage. It is hard to imagine such callousness. It is difficult to fathom what Mr. Atwater and his family must have felt at that moment. But it is even harder to stomach a system of financing health care that permits and even encourages insurers to risk-skim in this fashion.

Not surprisingly, the RNC responded as hundreds of other small- and medium-size businesses in similar circumstances have been forced to do—they changed insurance companies. But even so, the new rates are higher, and the RNC's new chairman, Clayton Yeutter, laments to the reports, "many of our not-very-well paid young people can't afford the coverage." But in spite of that observation, Mr. President, Chairman Yeutter recommends doing nothing about health care before the 1992 election.

Despite this very regrettable encounter with the problems in our system of financing health care, the administration seems to have settled on a strategy of much talk and little action. It is a strategy that invokes the moral leadership of the Oval Office to identify problems, but never to solve them. It is a strategy that recalls something that Otto von Bismark once said: "When a man says he approves of something in principle, it means he hasn't the slightest intention of putting it into practice." It is a strategy that looks squarely at ruinous health care costs, 33 million uninsured, 27,000 cases of measles, and tells America to take two aspirin and call the morning after the next election.

Surely, if an outbreak of measles and other childhood killers is serious enough to dispatch a team of very senior administration officials, it is serious enough to dispatch a sum of money that amounts to less than one tenthousandth of Mr. Bush's budget proposal. Surely, if rising medical costs are so dangerous that they threaten to erode the very foundation of our economy, they are serious enough to enact a comprehensive plan to control those costs—rather than relying on selfless cost-consciousness by America's physicians. And, surely, if our health care financing system has failed even Lee Atwater and the RNC, it must be failing millions of less prominent and powerful individuals and firms, and surely the time for reform has arrived.

Mr. President, the British Prime Minister David Lloyd George once said, "The most dangerous thing in the world is to leap a chasm in two jumps." That is precisely why the administration's strategy on health care strikes me as so dangerous. I applaud their first jump—recognizing and calling attention to what may be America's most pressing crisis. But I question whether their second jump—a jump to a solution—will ever occur.

Mr. President, I yield the floor and thank the managers of this bill.

EXHIBIT 1

[From the New York Times, June 23, 1991]

PRESIDENT DEFERS ACTION ON A PLAN TO BUY AND DISTRIBUTE VACCINES

(By Robert Pear)

WASHINGTON, June 22.—In a Rose Garden ceremony last week, President Bush said he was sending a team of senior officials to six cities "to learn why kids aren't getting immunized" against measles and other diseases. But now the White House has deferred action on an emergency plan to buy vaccines and distribute them to cities and states.

The plan, completed in May by a committee of Federal health and welfare officials, would cost $91 million, and the Administration had decided to wait at least until next year to request money for the program. The White House says that Mr. Bush requested $258 million for immunizations in January, an 18 percent increase over the previous year, and that the extra $91 million sought by the Public Health Service and other agencies is not needed at this time.

But in a confidential report, the interagency committee concludes that "immunization programs across the country have inadequate resources," lacking money, staff and vaccines. Suggesting that the Administration knows what to do, the report calls the problem urgent and says, "The focus of the plan is on action."

Most of the money would go to the Federal Centers for Disease Control, to buy vaccine and distribute it to city and state governments and to public clinics. Community health centers say they have not been able to buy all the vaccines they needed this year, and health officials say the cost of measles vaccine, up to $25 a dose, has significantly hindered its use.

The Federal immunization program buys vaccines to protect children against measles, mumps, rubella, polio, diphtheria, tetanus, whooping cough, and Haemophilus influenze type b, a bacterium that can cause meningitis. Federal health officials say $91 million would allow them to locate and vaccinate 5 million to 10 milllion children.

More than 27,600 measles cases reported in the United States last year, the worst outbreak since 1977, and 89 people died of related complications. In some inner-city neighborhoods, only about half the children have been vaccinated.

At the Rose Garden ceremony on June 13, Mr. Bush said he was sending a team of senior officials and health experts to six cities "to learn why kids aren't getting immunized." The places to be visited, from September through January, are Philadelphia, Detroit, Phoenix, Dallas, San Diego and Rapid City, S.D.

"WARNING FLAG" FOR HEALTH CARE

The interagency panel's report illustrates the problems facing Mr. Bush as he tries to emphasize the "kinder, gentle" side of his Administration without spending large sums on new projects.

The panel says the failure to immunize youngsters is "a warning flag" that signals the determination of basic health-care services for many children. Its proposals closely follows recommendations made in January by a panel of outside experts, the National Vaccine Advisory Committee, which investigated measles outbreaks in many cities.

Some health policy officials suggested the money requested for the tour by Federal officials would be better spent on vaccinations. In the Los Angeles area, which has had more than 6,000 measles cases with 37 deaths since December 1987, Dr Shirley L. Fannin, an epidemiologist at the County Health Department, said: "We do not require that the Federal Government send 'swat teams' to handle our problems. It would be a great deal less expensive if Congress would give us money directly to hire our own staffs to apply the remedies we need."

In Dallas, 3,000 cases of measles, with 12 deaths, were reported in a recent 10-month period. Dr David R. Smith, director of the primary care program at Parkland Memorial Hospital, said; "Over 95 percent of the kids who come down with measles had been in the health-care system shortly before they got the diseases. They had been to clinics, school nurses and doctors, but we failed to vaccinate them. That tends to refute the idea that we can't find these kids or their parents don't care."

PLEA TO LOWER VACCINE'S COST

Pediatricians, members of Congress and Federal health officials say the price of the measles vaccine has become a significant barrier to its use for many children. Dr. Robert G. Harmon, head of the Federal Health Resources and Services Administration, said the price had "increased dramatically over the last 10 years."

The American Academy of Pediatrics and Representative Henry A Waxman, Democrat of California, have appealed to Merck & Company to lower the price, now $15 for a dose dought by the Government and $25 for private purchasers. Its market, they note, was doubled by Government fiat when the Public Health Service recommended last year that all youngster get a second dose.

At a recent hearing of the House Energy and Commerce Subcommittee on Health, Mr. Waxman, the chairman, told a Merck executive: "I don't understand your pricing of the measles vaccine. We are in the midst of an epidemic, and you are the only manufacturer of the vaccine."

Merck says the price of its vaccine has risen more slowly than the Consumer Price Index and is lower now than in 1988 because of discounts given to the Government. "We are not exploiting kids or contributing to the measles epidemic," said John Doorley, a spokeman for Merck.

The interagency committee included officials from the Department of Health and Human Services, the Education Department, the Agriculture Department, which runs a major food program for children and pregnant women, and the Department of Housing and Urban Development, which subsidizes housing for 4.5 million families. The panel proposed spending in these areas, among others:

$46 million in Federal grants for up to 60 cities with a high incidence of measles or a low rate of immunization.

$5 million to help community health centers hire additional personnel and track down unvaccinated people.

$2.5 million to deploy health workers in welfare offices to inoculate children in families applying for welfare benefits.

$2.5 million to vaccinate children living in public housing projects.

$10 million to help state agencies and clinics buy extra measles vaccine needed to offer children a second dose.

In addition to the many specific short-term measures proposed by the Interagency Committee on Immunization, the Public Health Service is considering a radical change in the vaccination system. Under an alternative being tested in several states, the Government would buy all vaccine for childhood diseases, then deliver it at no charge to public clinics and private doctors' offices.

"Vaccines should be treated like a public utility," said Dr. Kenneth J. Bart, director of the National Vaccine Program Office, which coordinates Federal agencies responsible for immunization activities. "Prices must not be allowed to inhibit access to vacines."

[From the Washington Post, June 24, 1991]

HHS SECRETARY URGES DOCTORS TO CURB COSTS; CITIZENS MAY DEMAND "GOVERNMENT TAKEOVER," AMA MEETING WARNED

CHICAGO, June 23.—Health and Human Services Secretary Louis W. Sullivan appealed today to the nation's largest organization of doctors to curb soaring U.S. medical costs and improve availability of care or risk a virtual popular revolt.

"Unless we act now to meet these goals, we could find ourselves with a critical mass of our citizens demanding a total government takeover of health care," Sullivan told hundreds of doctors at the opening of the American Medical Association's annual meeting.

"I doubt that many in this room today would welcome that development," he added in an 18-minute speech that was interrupted by applause three times.

Sullivan has been an ally of the AMA on issues such as trying to keep tobacco out of the hands of minors but has opposed the organization on such matters as a proposed restructuring of Medicare fees that would reduce payments to doctors for many procedures.

Sullivan said that health care accounted for about 12 percent of the gross national product in 1990—or about $2,500 for every man, woman and child. That's a larger percentage than any other country spends.

"As physicians, we must recognize that health care is not the only public good," he said. "As Americans, as well as physicians, we must be concerned that consuming ever larger portions of GNP on health care necessarily diverts resources from other good uses—for example, increased wages, savings, capital investment, research and development and human services such as drug rehabilitation, foster care and family support."

Sullivan made only a passing reference to the AIDS epidemic, which was expected to be the dominant topic at the gathering, when he issued a call for increased emphasis on individuals accepting responsibility for their own health.

Possible HIV testing of doctors and restrictions for health-care professionals infected with HIV were among AIDS-related issues expected to be considered by the 300,000-member AMA's policymaking House of Delegates.

Among other topics expected to be addressed at the meeting is tobacco use. One resolution urges major league baseball teams to ban tobacco use at their ballparks and commends the Oakland Athletics for doing so. Genetic testing, which insurance companies could use to screen out prospective policyholders who carry genes for certain diseases, also is to be discussed.

The AMA gave its layman's distinguished service award to Bob Keeshan, television's "Captain Kangaroo," who urged doctors to take the lead in fighting the hunger, malnutrition, measles, whooping cough and polio that are increasing among some groups of U.S. children.

"Kids can't vote in this country. Kuwaitis can't vote either. But that did not stop us

from coming to the aid of the Kuwaitis in their hour of great peril," Keeshan said. "If we can help the Kuwaitis, we ought to be able to help our kids."

[From the Wall Street Journal, June 24, 1991]

ILLS OF THE NATION'S HEALTH-CARE SYSTEM ARE PULLING GOP INTO SEARCH FOR CURES

(By Jeffrey H. Birnbaum)

VANCOUVER, WA.—Republican Rep. Rod Chandler interrupts the pleasantries of a cocktail party to say he wants the federal government to help self-employed people buy health insurance. "Oo hoo!" exclaims Richard Turley, a local real-estate salesman. "I'm with you already."

The Washington state lawmaker is cherred like this wherever he goes. Whether it's in a conference room in Seattle or a restaurant in Atlanta, the prosperous people with whom he tends to spend his time are anxious about rising medical costs, and are looking toward Republican representatives like him to lend a helping hand.

"It's the revolt of the 'haves,'" Rep. Chandler concludes. "These are the people who know darn well who their congressman is, which makes them a potent political force."

Health coverage has always been a sore point with constituents, but lately a broader group of voters has been registering complaints. The grousing doesn't just come from the "have nots" anymore: low-income people without health insurance. These days middle-income and upper-middle-income people—lawyers, small-business owners and even doctors—also are venting their rage.

This growing base of support has energized the still-nascent drive to overhaul the U.S. health-care system, and increases the likelihood that change will eventually come. Even Republicans, who have long resisted Democratic entreaties for broad-scale legislation, are beginning to move now that their own constituency is up in arms.

"When you raise the issue, it's like pushing a hot button," says Rep. Mickey Edwards of Oklahoma, chairman of the House GOP policy committee. "It has become a top priority."

Rep. Gingrich sees the new GOP drive to devise its own plan as a wise defensive maneuver against the hard-charging Democrats. "We have to, at some point, offer a convincing solution that is market-oriented and decentralized or we will get eroded into bureaucratically rationed health care," he says.

It's clear that the GOP proposals, whatever they are, won't be anywhere near as broad or heavily governmental as Sen. Mitchell's plan. Instead, they will aim to provide incentives, probably through the tax code, to encourage small businesses to provide health insurance to their employees.

But a number of other, more far-reaching proposals are circulating on the political right as well. For instance, the conservative Heritage Foundation suggests radically altering the federal tax system to allow individuals (rather than corporations) to deduct health-insurance premium payments. The conservative think-tank would also give individuals tax credits to encourage them to pay for some basic medical treatments out-of-pocket rather than rely on insurance.

Rep. Chandler is pushing a modest proposal aimed mostly at helping small employers. It would encourage them to buy health insurance through purchasing groups by eliminating the ability of states to mandate the kinds of health benefits they must provide. As an incentive for self-employed individuals to join the purchasing groups, the Chandler bill would allow them to deduct all of their premium payments.

"The current system just doesn't work very well," says Rep. Newt Gingrich of Georgia, the second-ranking Republican in the House. "You can't govern this country without significantly addressing health care."

While more and more Republicans are willing to acknowledge that something must be done, though, huge differences remain between them and Democrats over how best to address the problem.

Some Democrats want outright national health insurance, funded with taxpayer dollars. But the principal Democratic proposal so far, sponsored by Senate Majority Leader George Mitchell of Maine, is a hybrid public-private plan called "play-or-pay." It would require employers either to offer health coverage to their employees or be forced to contribute to a new public health-insurance plan called AmeriCare, which would replace the current Medicaid program for the poor and would insure anyone not covered by an employer plan.

Republicans, for most of whom the national health-care issue is still unfamiliar terrain, haven't come up with much yet in the way of detailed proposals. But as many as 34 Senate Republicans have been meeting regularly to study the health=care problem with an eye toward devising their own legislation. And in the House, the GOP leadership is expected to adopt a plan of its own soon to address at least parts of the complex problem.

Democats largely dismiss such proposals as too little and late. "The patient is bleeding to death of a chest wound and they've decided to fix the cut on the finger," says Rep. Thomas Downer of New York. "It isn't going to work." Still, it is significant that for the first time, both Democrats and Republicans are in basic agreement that something must be done.

Statistics bear out that health care, increasingly, is a middle-class headache. Of the more than 30 million people without health insuance, two-thirds have jobs or belong to a family in which someone works. Of the 85% of Americans who have insurance, at least one in six has had his or her benefits reduced over the past few years. One study shows that the portion of health benefits picked up by employers has declined since 1980 to 69% from 80%, leaving employees to pay the difference.

Concern over the issue is certainly evident around the conference table in Seattle where Rep. Chandler is meeting with 14 small-business owners. Every one of the executives, from the printer to the financial adviser, professes dissatisfaction with the rising price of health coverage for themselves and for their employees. They welcome Rep. Chandler's prescription of new tax breaks and reduced government regulation.

"It's a national problem," asserts Nona Brazier, a waste-disposal-company owner who sports an elephant-shaped pin to signify her Republican allegiance. "Something has to be done."

Rep. Chandler says he sees the health issue only getting hotter and hotter in the coming months. He intends to stress the issue in his race for the Senate next year against Democratic Sen. Brock Adams, an advocate of national health insurance.

He couldn't duck the issue even if he wanted to, he says: "A year ago, you could get by with a good speech on what the problem is on health care. Now you've got to have a plan."

[From the Wall Street Journal]

AT A DIVIDED WHITE HOUSE, SUNUNU IS WARY, WHILE DARMAN CALLS FOR ACTION

(By Michel McQueen)

WASHINGTON—The American Medical Association leaders who met with White House officials last month to discuss ideas for health-care reform found themselves dismayed at the bedside manner and unhappy with the diagnosis.

Chief of Staff John Sununu complained the doctors were too sympathetic to Democratic proposals to overhaul the healthcare system and bluntly warned them to slow down. "He led us to believe the Bush administration was not going to stampede into anything," said one of the doctors, who left the White House convinced the administration was gong to take its "own sweet time" in addressing the issue.

To date, the administration's prescription for the nation's health-care problems has been: Take two aspirin and call us in a couple of years. Despite skyrocketing health costs and more than 30 million uninsured people, the White House has virtually steered clear of the subject.

In recent weeks, though, at least some of the president's advisers have begun to call for a change. While Mr. Sununu continues to argue against addressing the issue, Budget Director Richard Darman has said publicly he believes the White House should propose a sweeping health-care reform by next year. And others, like presidential pollster Robert Teeter, are reluctantly concluding that the issue may be too hot to be ignored.

"Clearly there is a real need to get behind this," says GOP political consultant Rich Bond. "Just as the Democrats can be seen to be floundering around on foreign policy issues, the Republicans have not yet put their best minds to work on the health care issue."

Former Bush campaign adviser Deborah Steelman, one of the few Republican strategists who has been following the issue, says many of her party have come to believe that "health care is to the '90's what taxes were to the '80s." She adds, "If we give away this issue, we are giving away the game of the decade."

Political pressure for health-care reform is clearly on the rise. Business and interest groups are up in arms, members of Congress are restless, and Health and Human Services Secretary Louis Sullivan has been sounding alarms about rising needs and costs.

So far, however, President Bush has said little. The administration has made some modest proposals on infant health care, immunizing preschool children and capping medical-liability costs. But the president has put little effort into promoting them—in one case abandoning a long-planned trip to Chicago and sending Vice President Quayle as a substitute.

In part, the White House reticence dates back to the 1988 campaign. Health care for the uninsured was a signature issue for Democratic candidate Michael Dukakis, who started a plan to provide benefits to the uninsured in his native Massachusetts. Bush advisers, however, paid only cursory attention to the issue, preferring to focus on education and the environment, issues where they felt they had a stronger hand.

Many political strategists continue to defend a low-key approach through the 1992 campaign. At a health-policy group last month, GOP pollster Bill McInturff reiterated the view that "people most concerned with the [issue] were not big parts of the Republican coalition." Mr. McInturff's review

of ABC News exit-polling data for the group showed those who identified health care as their primary concern mainly fell into four subgroups: the uninsured, the poor, Hispanics, and blacks. These groups voted for Mr. Dukakis in margins ranging from 56% to 88%, he said.

Republican National Committee Chairman Clayton Yeutter, who has been at White House strategy meetings where health care has been discussed, also plays down the issue. It's "an issue that will have to be confronted by the nation sometime in the next few years," he says, but for now "there clearly is not a consensus in the Republican Party . . . about what the answers should be." His advice: "I wouldn't put it in the top five" problems facing the country.

Mr. Yeutter's comments echo those made by Mr. Sununu in April at a meeting with Republican Reps. Bill Archer of Texas and John Kasich of Ohio, who had been tossing around ideas on the issue. At present, health is a losing game for the GOP, Mr. Sununu said, because the Democrats will always "up the ante"—promising more benefits and more coverage with little regard for the costs. Republicans inevitably will be cast as a bunch of Scrooges, he argued, unwilling to help the nation's helpless Tiny Tims.

Spearheading the other side, however, is Mr. Darman. In a meeting with reporters earlier this month, he argued that the White House should come up with a comprehensive health care-reform plan before the 1992 election. The issue could then be debated during the campaign, he said, clearing the way for a giant legislative package shortly after the election.

Asked whether Mr. Sununu agreed with his view, Mr. Darman paused, then replied: "I don't know."

Mr. Teeter, a close political adviser to the president, also seems to be slowly acknowledging a need to address the issue, although he continues to express skepticism about plans for a big fix. "My view is that . . . when you've got a problem this big . . . that has huge financial implications, it never gets solved in a democracy in one fell swoop," he says. "You bite off pieces of the problem and let the system digest the changes."

Some Republican officials have found an even more persuasive argument for addressing health-care problems closer to home—in the illness and death of former party chairman Lee Atwater. Mr. Atwater was stricken in March 1990 with what turned out to be an inoperable brain tumor, but he remained on the Republican National Committee payroll and health plan. The insurance carrier threatened to triple the committee's rates unless it dropped Mr. Atwater's coverage. Instead, the committee changed insurance companies. But rates are now so high, says Mr. Yeutter, "that many of our not-very-well-paid young people can't afford the coverage."

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL ACT

The Senate continued with the consideration of the bill.

Mr. BIDEN. Mr. President, I wonder if my colleague from South Carolina will be kind enough to yield me 2 minutes to speak in favor of Senator INOUYE's position notwithstanding the fact he has another position.

Mr. THURMOND. I will be very pleased to yield my distinguished chairman 2 minutes.

Mr. BIDEN. Mr. President, last year, the Senate adopted an amendment, authorized by Senators INOUYE and DOMENICI, to permit Indian tribes to decide whether they will adopt the death penalty.

I see no reason to change that result this year. The issue here is one of fairness and self-determination.

First, unless exempted, Indian tribes will be disproportionately affected by a Federal death penalty. Most of the heinous murders we read about in the paper or hear about here on the Senate floor fall within the province of State—not Federal—jurisdiction and responsibility.

Federal jurisdiction extends primarily to murders on Federal territory, and that means Indian lands. Close to 80 percent of the total number of persons actually convicted of first-degree murder in the Federal system are Indians.

As a result, if Indian country is not exempted, Indian murders are likely to generate well over two-thirds of Federal death sentences, even though native Americans comprise only 1 to 2 percent of our population. I feel sure that when the American public thinks about imposing a Federal death penalty law, it does not intend that its principal impact is felt on Indian reservations.

Second, the issue is one of self-determination. The Congress does not purport to tell any particular State that it must have the death penalty. But here we are telling a coequal sovereign—Indian tribal governments—that they should adopt the death penalty. On such a controversial and emotional issue as the death penalty, Indian tribal governments should come to their own decision.

For these reasons, I support Senator INOUYE's amendment.

Mr. President, I just want to make two points. The first point is that we have basically made a longstanding agreement, over more than 100 years, that we are going to, where it is deemed appropriate, allow Indian nations to make judgments for themselves relative to the conduct of affairs within the Indian nation on Indian lands that are agreed to as a consequence of treaty, where it does not impact upon the ability of the United States of America to be able to conduct itself in international affairs or in the natural order and process of the conduct of business and commerce and social policy in this Nation.

So, basically, we have said, in cases where it will not affect the ability of the Nation to function, that we would allow Indian nations to function as if they were States on matters that were not of consequence to a uniform application of law nationwide. We allow States to be in a position where some States have the death penalty and some do not. I think it is only appropriate that we allow the Indian nation to be able to make their own judgment whether or not they wish to have the death penalty. That is the first point.

The second point is that we should remind everyone that the Federal death penalty provisions in the Biden-Thurmond substitute, quite frankly, only affect Federal lands, and the bulk of the Federal lands where the death penalty would be applied would be on Indian reservations. So the application of the death penalty, if we do not allow Indians to make their own judgment as we allow States to make their judgment whether or not they wish to have a death penalty, is that 80 percent of all those put to death under the law that Senator THURMOND and I are suggesting would be Indians.

It seems to me they should be able to make that judgment. We do not say to the State of Delaware or the States of New Jersey, Alabama, Mississippi, or California, you must have a death penalty. I support the death penalty.

We do not impose that on the States. I think it is perfectly reasonable not to impose that upon the Indian nations. There is more to say, but in interest of time I will yield back whatever seconds I have left.

I thank the Chair. I yield the floor. I thank my colleagues.

Mr. THURMOND. Mr. President, I want to clarify this situation. The courts have held that the U.S. Government has jurisdiction over the Indian lands and they can pass such laws as are appropriate. Now, under the proposed amendment, if an Indian on the reservation rapes a women, kills her, burns her body, he could not get the death penalty. Now, if he just steps outside of that reservation and he rapes a woman and kills her and burns her body, he can get the dealth penalty. Does that make sense?

If a white man or a black man goes on an Indian reservation and kills or rapes somebody, he can get the death penalty, but if an Indian is on the Indian reservation he cannot get the death penalty?

Why the discrimination?

Under our law, everybody is supposed to be treated alike. Indians are now American citizens. They are supposed to be treated like everybody else. They have all the rights of everybody else. They ought to have to bear the same responsibility as everybody else. If other people have to obey the law, Indi-

ans ought to obey the law. Why should we have a special group carved out and allow an exception that says Indians on an Indian reservation can commit capital crimes against each other? Is that not an injustice to the Indians, that they kill each other on the reservation, rape each other, and under no condition can get capital punishment? Where they were off the reservation, they could get the death penalty. If anybody else comes on the reservation and kills or rapes or murders, they can get the death penalty, but Indians on reservations cannot get the death penalty.

To me that is not equality. It is not equality under the law. It is not fair play under the law. Let us treat everybody alike. We are all Americans: black, white, yellow, tan, Indians, anybody else. We all have responsibilities to obey the law, and the law ought to apply equally to everybody everywhere.

The courts have held that the U.S. Government does have authority to pass laws on Indian reservations and everywhere. I say we ought to do it. We ought to treat everybody alike. If we are going to have capital punishment in this country, it should apply to Indians, to blacks, to yellow, apply it to everybody, or we should not have it.

Mr. President, I have always been very interested in Indians. I like to help them every way I can, but are we helping them when we allow Indians to kill Indians on reservations? They cannot kill off the reservations. Why should they be able to kill on the reservations?

Mr. President, let us treat everyone alike. America is the land of the free and the home of the brave. Everybody has equal rights; everybody has responsibilities. Let us enforce that. Let us not carve out one special group, Indians against Indians. It is an injustice to them. It is an injustice to the Constitution. It is an injustice to the rest of the people of this Nation. Let us treat everybody alike. We are all Americans. Treat us all alike.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina has 3½ minutes remaining.

Mr. THURMOND. How much time do have I remaining?

The PRESIDING OFFICER. Three and a half minutes.

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, amendment No. 369 is agreed to.

AMENDMENT NO. 371

(Purpose: To impose the death penalty only in drug cases involving an intentional killing)

Mr. BIDEN. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Inouye amendment is set aside. The clerk will report the new amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 371.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

The amendment is as follows:

Title IV is amended by adding at the end, a new section 403, as follows:

"SEC. 403. APPLICATION ONLY FOR INTENTIONAL KILLINGS.

Notwithstanding the penalties designated in section 402 of this Act, the maximum penalty for the offense enumerated in section 402 shall be life in prison, without release, unless the offense involves an intentional killing as defined by section 1111 of title 18, United States Code. If the offense involves such a killing, the maximum penalty shall be death."

Mr. BIDEN. Mr. President, before I begin I would just like to mention—it just came to mind—with regard to the last amendment we had on Indian reservations that we will vote on tomorrow, if someone is at the New Jersey-New York State line and kills someone, if they are 2 feet into New York when it happens, they do not get the death penalty. If they are 2 feet into New Jersey, they do get the death penalty.

No one is suggesting, that I know of, that we should have a uniform law saying there should or should not be the death penalty in every State although we have the authority to preempt States. We could do that. And I do not know why we should do it differently. That is a point I wanted to make. I have no more time.

Let me move to the issue before us, the death penalty for drug kingpins.

Mr. President, in 1986 this Senator and 96 others voted for a drug kingpin death penalty which is now the law. Last year and again this year, the administration returned to the Senate with a new drug kingpin death penalty. To any listener, including my colleagues, they are wondering what is all this drug kingpin death penalty stuff: You were just telling me, BIDEN, we have a death penalty for drug kingpins and now you are telling me there is a new amendment for drug kingpins. How is it different?

Right now, Mr. President, under the drug kingpin death penalty law—and I will argue all are death penalty laws with one exception—there is a requirement in order to meet the constitutional requirements of the eighth amendment allowing the death penalty to be imposed that there be a death that results as a consequence of the crime being committed.

So under our present drug kingpin law, we say if you are a drug kingpin and in the operation of your business, your illegal business, your criminal activity, either as a consequence of a murder that you order, a murder that occurs, death occurs in the carrying out of your business, then you can be put to death if you are caught.

As a matter of fact, the Senator from Delaware thinks you should be put to death if you are caught. But now there is a new principle being introduced, and that is this new death penalty requirement is invoked in the following three ways that cannot be invoked now:

One is if you are a large-scale drug kingpin and you conduct that business and no murder occurs, there is no death involved, nothing happens in the taking of someone's life, but the mere fact that you, in fact, conduct the business, if you are caught conducting that business, you should be put to death.

I would like to see that happen. I do not have any problem with that as a practical matter because, in fact, they do as much damage as the young 17-year-old who robs the 7-Eleven store and commits murder in the process while running out of the store. But the Supreme Court has ruled that there has to be a death in order for the death penalty to be imposed.

There are two other pieces of this new drug kingpin law that is now in the Biden-Thurmond substitute. That is that if you are a large- or small-scale kingpin and you attempt murder, you are a druggie, you are a drug kingpin, and you attempt to kill someone—that also allows the death penalty be imposed. I think that may pass. That provision may pass constitutional muster. It is close.

The third part is where there is a drug felony where death results. My friend, the Presiding Officer in the chair, knows the law well. It is essentially a felony murder crime where there is a drug transaction taking place, and the murder occurs. There is a drug offense taking place and a murder occurs.

That is in my view in all probability constitutional. But the first part of this new proposal is not, in my view.

Under the drug kingpin law that is now on the books that we passed several years ago—it has been on the books for 3 years, I say, Mr. President—there has only been one conviction. This administration and the last administration has only gotten one conviction.

I think we should kind of put this in focus. As we start to balance this, I balance what we might pass as being unconstitutional against the practical application of the law where it could become law. They have only gotten one conviction under the present drug kingpin death penalty law. The fact is that the Justice Department has only charged three people under this law.

Given the record, I have to question the emphasis we are now placing on the

death penalty for drug kingpins, there already being such a penalty on the books seldom used.

Again, as I said, this administration would extend the death penalty to drug kingpins who do not murder, and to any drug felon where the conduct results in death. Neither of these extensions is supported by the existing law as interpreted by the Supreme Court. The Supreme Court has held repeatedly that the death penalty is only a proportionate punishment where killing is involved. In order to satisfy the eighth amendment, the Court has ruled it must be proportionate. The punishment must be proportionate to the crime. The Court, whether I like it or not, has ruled that death for a crime is only proportionate where death has occurred in the commission of the crime.

In the famous case of Coker versus Georgia, the court held that even in the case of one of the most egregious crimes in this Senator's view, rape, and in this case, a heinous rape that occurred, the Supreme Court ruled in 1977, in Coker versus Georgia, that the rapist duly convicted of a heinous rape, a vicious crime, could not be put to death because the eighth amendment would be violated because no death had resulted.

Our outrage against drug kingpins, like our outrage against rape, does not necessarily mean that the law will survive constitutional scrutiny.

Even as recently as last year the Justice Department acknowledged these constitutional deficiencies when it explained to the Judiciary Committee that a similar proposal not specifically limited to drug felons in Senator THURMOND's death penalty bill would have been constitutionally suspect, to use their phrase. The Attorney General at the time testifying said "The eighth amendment requires that the defendant himself have actually killed, attempted to kill, or intended the lethal force used in killing."

What is being proposed here is a death penalty for a crime where no death results. As I said, as much as I am sympathetic to the notion as the sponsor of this bill which provides for 50—some death penalties, and I support the death penalty, I also understand that the Court has drawn a line, and we should be responsible in our application of the Court's ruling.

The proponents of this amendment that is now in the bill, not my amendment, of the law as is before us in the bill, say that, well, BIDEN, you may be right about Coker versus Georgia but the Supreme Court in Tison versus Arizona said, look, you can have the death penalty where the defendant did not actually pull the trigger.

That case involved a case where a bunch of thugs took out into a desert a family and executed them, including a 2-year-old child. And in that case, they said that two of the defendants, I believe it was two, who did not pull the trigger, but who provided for the escape of these thugs from prison, who provided the weapons for them, if I am not mistaken, who provided the circumstances in which the murders were allowed to take place, and who stood there and watched them, should be able to be put to death. I say, yes, they should. But the distinction is in that case death actually occurred.

So Tison is no, in my view, basis to argue that in a case where drug transactions are taking place but no death occurs you should be able to apply the death penalty. I do not think the case can support the death penalty where no killing is involved as the administration would suggest.

So I oppose the administration's new drug kingpin death penalty. There is already an existing death penalty for drug kingpins. I do not see why now we should be attempting, with all the expansion of the death penalty, or we are proposing to increase and set out a death penalty provision which seems to this Senator clearly unconstitutional.

The Court has ruled that in order to apply the death penalty and satisfy the eighth amendment of the Constitution it must be proportionate. They have concluded that proportionate means that you can only take the life of a person under the law who has taken the life of a person illegally. You cannot take the life of a person under the Constitution where there has been, as bad as the crime is, no death directly or indirectly. And we are about to put into the law, if this provision, my amendment does not pass, a law that I believe to be unconstitutional.

So, Mr. President, I realize that this is going to be a difficult amendment to pass, because I must tell you my sympathies are with the Senator's position, and my sympathies are against my own amendment. But as an attorney, as a lawyer sworn to uphold the law, as a U.S. Senator sworn to uphold the Constitution, I believe it would not be responsible for me as chairman of the Judiciary Committee to stand before my colleagues, who at least occasionally look to me for some judgment on these issues, and not say what I believe the Constitution as interpreted by the Supreme Court dictates.

I believe it dictates that this provision in the present bill before us is unconstitutional. You cannot put a person to death where there is no death resulting as a consequence of the crime they have been convicted of committing.

I thank my colleagues. I yield the floor. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has 15 minutes remaining.

Mr. THURMOND. Mr. President, I rise today in strong opposition to this motion to strike the drug kingpin death penalty language from this bill. These provisions were taken from President Bush's violent crime bill. The death penalty for drug kingpins is urgently needed legislation which will send a strong signal to drug traffickers that their heinous acts will not be tolerated.

The death penalty for drug kingpins is not a new issue for the Senate. Last year, the Senate overwhelmingly passed a similar provision by a vote of 66 to 32. The House passed a similar amendment to last year's crime bill as well. It is time for Congress to pass this important provision and send it to the President for his signature.

The pending bill authorizes the death penalty for three categories of drug offenders: First, the leaders of the largest drug enterprises, who are currently subject to a mandatory term of life imprisonment under title XXI; second, other leaders of drug enterprises who attempt to obstruct justice by attempting to murder persons involved in the criminal justice process; and third, other persons who commit murders in the course of drug felonies. This amendment would strip these provisions from the bill. This amendment ignores the fact that drug traffickers are responsible for untold deaths and suffering in this Nation, especially the death of young people who often are the ones using drugs. Drug kingpins are as responsible for the drug-related murders, which occur on our streets every day, as those who pull the trigger.

Mr. President, recent Supreme Court decisions also support the constitutionality of the death penalty for these individuals. In Tison versus Arizona, the Court found that reckless indifference to the value of human life may be every bit as shocking to the moral sense as any specific intent to kill and those who act accordingly may be sentenced to death. Most major drug kingpins do act with reckless disregard for human life and should be subject to the death penalty.

In summary, the death penalty for drug kingpins is a familiar issue to the Senate. Last year, the Senate passed a death penalty virtually identical to these provisions by an overwhelming majority. The House did so as well. Large-scale drug trafficking is a pernicious threat to our national security. It is time for Congress to broaden the category of offenses for which the death penalty can be applied to include those individuals who choose to undermine our Nation's health and safety. The law-abiding citizens of our Nation demand action and they demand it now.

Mr. President, I strongly urge my colleagues to oppose this amendment which will strike a vital provision that will send a strong message to major drug dealers. A vote in favor of this amendment will weaken our efforts to

keep illicit narcotics out of our country.

Now, as I understand it, my distinguished colleague's position is that unless there is a murder, they should not allow capital punishment. However, my good friend here introduced a bill himself that when there is treason and nobody is killed, then capital punishment is allowed. He introduced another provision that did not require a death in order to carry the death penalty; it was espionage. Treason and espionage were in the provisions of my colleague's bill. Capital punishment was included there, even though nobody had been killed.

Now he says you should not allow capital punishment unless somebody is killed. That is inconsistent. In the case of treason or espionage, they ought to get the death penalty. Drug kingpins ought to get the death penalty. Drug kingpins, who provide drugs and cause the deaths of these young people and others, ought to get the death penalty.

Mr. President, I hope that the Senate will see fit to defeat the amendment of my distinguished colleague.

Mr. HATCH. Mr. President, the amendment that the distinguished chairman of the Judiciary Committee proposes reflects a strong difference of opinion between conflicting ideologies. There are, I believe, strong arguments on both sides of this issue. I rise only to dispute the claim made by the chairman to the effect that the Supreme Court has somehow already determined this issue and that those who support the death penalty for drug kingpin activity, irrespective of whether a homicide results, are thereby supporting an unconstitutional provision.

I assume when the Senator from Delaware states that the Supreme Court has held that the death penalty cannot be imposed in the absence of a homicide he is basing this view on the case of Coker versus Georgia, or one of the other cases striking down State death penalties for rape. The line of authority does not support the Senator's argument.

There has always been a Federal death penalty, and there has always been a Federal death penalty for nonhomicide offenses. To begin with, death has always been the traditional and accepted punishment for treason, as well as for some forms of espionage. This is true worldwide, and it is reflected in our Federal Criminal Code. Even countries that are generally said to be without a death penalty have been known to employ the penalty for cases of treason. This is true, for example, of Norway, which executed the notorious traitor Quisling after World War II.

The Supreme Court has never said nor implied that the current prescribed penalty for treason—death—is in any way unconstitutional. If the death penalty is not to be an available penalty for drug kingpin activity, it will be because individual Senators have decided, for their own reasons, that it should not be. It will not be because the Supreme Court has somehow already decided this issue for us. This is a legislative judgment for us to make, just as it would be a legislative judgment were the proposal before us to abolish the existing death penalty for treason. We cannot hide behind the Supreme Court on this issue.

The PRESIDING OFFICER. The Senator from South Carolina controls the remaining 9 minutes.

Mr. THURMOND. Mr. President, I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in Executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1341. An act to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to reduction in force; and

H.R. 2621. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes.

At 5 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 173. A concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 1341. An act to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to reduction in force; to the Committee on Governmental Affairs.

H.R. 2621. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 1356. A bill to amend section 104(a)(1) of title 28, United States Code, to designate Tupelo, MS, as an authorized site for holding Federal court; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 1357. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. AKAKA, Mr. DECONCINI, Mr. DASCHLE, Mr. MCCAIN, Mr. MACK, and Mr. CONRAD):

S. 1358. A bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans; to the Committee on Veterans' Affairs.

By Mr. DURENBERGER (by request):

S. 1359. A bill to reauthorize the program for infants and toddlers with disabilities under part H of the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN:

S. 1360. A bill to establish in the State of Texas the Palo Alto Battlefeld National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WIRTH (for himself, Mr. AKAKA, Mr. HARKIN, Mr. SIMON, Mr. BUMPERS, and Mr. SANFORD):

S. Res. 141. Resolution expressing the sense of the Congress that the United States should implement promptly the recommendations the National Academy of Sciences issued in its report, "Policy Implications of Greenhouse Warming"; to the Committee on Environment and Public Works.

By Mr. FORD (for himself and Mr. MCCONNELL):

S. Res. 142. Resolution relative to the death of A.B. "Happy" Chandler, a former Senator for the Commonwealth of Kentucky; considered and agreed to.

By Mr. FORD (for himself and Mr. STEVENS):

S. Con. Res. 49. Concurrent resolution authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush on June 27, 1991; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 1357. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

EXTENSION OF SMALL ISSUE DEVELOPMENT BOND PROGRAM

• Mr. BREAUX. Mr. President, I rise today, with my colleague Senator BRYAN, to introduce legislation to extend permanently the small issue Industrial Development [IDB] Bond Program.

These small issue bonds, which are now carefully targeted to smaller manufacturers, provide a critical source of financing necessary to establish new plants or modernize existing facilities.

I am personally familiar with those bonds. They have been an integral component of Louisiana's economic development strategy, helping to provide jobs for thousands of Louisianians. Unfortunately, my State, like others, continues to suffer from the continuing effects of unemployment. We are making progress, but we have not yet fully recovered from the economic shocks that our State sustained in the 1980's. It would be most unfortunate if we were to lose one of our most effective tools for job creation.

IDB's provide access to affordable capital for smaller businesses. Today's credit environment, along with the rapidly changing banking and savings and loan industries, has severely strained the ability of American businesses to raise capital. This is particularly true for smaller businesses. Larger corporations can rely on cash reserves, selling stock, or issuing corporate bonds. Smaller companies lack these options. In many cases, small issue IDB's offer the only available source of investment capital for them.

IDB's also give these smaller manufacturers access to capital at rates that are competitive with those available to larger companies. Most small companies typically pay an interest rate that is 2 to 3 percentage points higher than the prime rate. This differential obviously puts smaller manufacturers at a disadvantage. Small issue IDB's help overcome this obstacle by providing financing to these smaller companies at rates that are at or below prime.

During the 1980's Congress subjected IDBs to close scrutiny and made a number of important reforms. As a result, the tax bills of 1984 and 1986 have fundamentally changed the operation of the IDB Program, eliminating perceived abuses, targeting the bonds to smaller manufacturers, subjecting them to restrictive statewide private activity bond volume cap, and requiring greater public participation in the process of deciding which project should receive tax-exempt financing. The result is a strong, reformed, and responsible program that contributes to job creation and retention and that merits an extension by Congress.

We have already extended this program several times, without change, in the past few years, a reflection of the fact that Congress is now satisfied with how the program operates. We have eliminated the perceived abuses. We have brought the volume of bonds issued under control. We have targeted them to the area where they will do the most good. It is now time to provide certainty and predictability to the system and extend it permanently. The year-to-year uncertainty that now surrounds these annual sunset dates is unnecessary.

Because of the importance of these bonds, a number of organizations have endorsed an extension of the small issue IDB Program. These include the National Governors Association, the National League of Cities, and the National Association of Counties. In my State, both the Chamber and organized labor have urged Congress to extend these bonds.

I urge my colleagues to join me as a cosponsor of this important legislation.•

By Mr. GRAHAM (for himself, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. AKAKA, Mr. DECONCINI, Mr. DASCHLE, Mr. MCCAIN, Mr. MACK, and Mr. CONRAD):

S. 1358. A bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill patients; to the Committee on Veterans' Affairs.

VETERANS' HOSPICE SERVICES ACT

• Mr. GRAHAM. Mr. President, today I rise to introduce long overdue legislation extending to the Secretary of Veterans Affairs the authority to begin offering hospice care services to terminally ill veterans.

Under current law, Medicare-eligible patients have access to hospice care, as do Medicaid patients at States' option. This bill will take us toward allowing all veterans to receive equitable access to the hospice benefit offered Medicare and most Medicaid patients.

Hospice programs are designed to meet the needs of terminally ill patients with a short prognosis for life. Trained teams of physicians, nurses, social workers, volunteers, and chaplains provide pain relief, symptom management, and supportive services to the patient and caregivers.

Although there are numerous types of hospice programs around the country, all have two shared goals. First, hospice seeks to make the final days of the patient's life as comfortable and enjoyable as possible. Second, hospice programs reduce the overwhelming financial burden facing the terminally ill patient and caregiver.

Traditionally, hospice patients are served at home where family and friends become an essential element providing the basic care. The hospice team instructs caregivers in the daily routine of assisting the terminally ill individual. Through this instruction and special counseling, the hospice team helps make the adjustment to new circumstances.

For those individuals who, for whatever reason, do not choose to remain at home, hospice programs can also be provided within medical facilities.

This legislation authorizes the Secretary of Veterans Affairs to select 15–30 VA medical facilities to experiment with offering hospice services to veterans through a variety of methods, including in-house programs staffed by VA personnel and contracting out to private, profit or nonprofit hospice programs.

The bill requires the VA to annually report on the level of veteran participation and satisfaction with the program and to estimate the cost effectiveness of providing terminally ill patients with this type of care.

Mr. President, I am confident that the VA will find real interest in the veterans community for this service. The independent budget offered earlier this year by a number of veterans service organizations specifically called for the activation of hospice programs in the VA.

Second, I am confident that VA reports will show that hospice programs result in substantial savings for both the VA and the individual, as well as freeing up much needed hospital beds for other veterans.

The costs involved in caring for a terminally ill patient in the last 180 days is staggering. A recent study by the Health Care Financing Administration indicated that 46 percent of all costs of care spent in the last year of a patient's life are consumed in the last 60 days. At least a third of those days the patient spends in an acute hospital bed.

A 1985 VA survey showed that there were 5,322 terminally ill patients housed in VA hospitals on most days. Ninety-two percent of those veterans died in the hospital, rather than in their own home.

It is not the intent of this legislation to take away health care services or hospital benefits from our terminally ill veterans. The terminally ill veteran will be free to elect or reject hospice benefits.

Our brave veterans deserve the right to die with dignity. Extending the hospice care option in the VA gives them this opportunity.

Senators ROCKEFELLER, CRANSTON, AKAKA, DECONCINI, DASCHLE, MCCAIN, MACK and CONRAD join me in offering this legislation.●

● Mr. ROCKEFELLER. Mr. President, I am proud to join Senator BOB GRAHAM in the effort to establish a pilot program to provide hospice care to veterans through the Department of Veterans Affairs.

After hearing from veterans and hospice caregivers over the last few months, I have come to the conclusion that the VA should be doing more to address the special needs of terminally ill veterans and their families.

Hospice care is a compassionate alternative to traditional hospital or nursing home care that some veterans prefer in the final stages of life. Under hospice programs, terminally ill veterans are given the option to stay at home or in comfortable surroundings with family and close friends nearby. Patients are made as comfortable as possible, and the family receives support as well.

In previous years, I have been proud to work on legislation that expands the hospice benefit to Medicare and Medicaid beneficiaries.

We should do no less for our veterans. Hospice care is an important option, and one that should be available to our veterans and their families through the VA health care system.

I know that a few VA medical centers, on their own initiatives, are working on hospice programs—and I applaud their efforts. I also know that other VA medical centers try to do their best to respond compassionately to the needs of terminally ill veterans.

But I believe that the VA should push forward to explore the best ways to provide true hospice care for all veterans.

My concern for veterans has prompted me to join my distinguished colleague from Florida, Senator BOB GRAHAM, in working to address this need. I am proud to cosponsor his legislation to promote hospice care within the VA through a pilot program.

This legislation establishes a demonstration program for hospice care within the VA by directing the Secretary to create between 15 and 30 pilot hospice programs. The bill encourages the VA to test various models of providing hospice care, including having VA hospitals provide the care directly or allowing the VA to work with local hospices. Because of some of the unique features of VA health care, there will be some questions about implementing this program. This is why a pilot project is needed.

Through this legislation, I believe we will learn a great deal about the most efficient, effective, and, more important, compassionate way to provide hospice care to veterans.

Personally, I am deeply committed to strengthening our country's health care system for everyone—including veterans—through the unique VA health care system.

I believe aggressively promoting some alternative types of care—hospice care, respite care, home-based care, adult day care—will strengthen the VA health care system and help our veterans receive the care and dignity they deserve.

I want to commend the VA for its ongoing, but limited, efforts on such initiatives, but I believe we must fully develop and expand these programs throughout the VA system.

It is in the best interest of our veterans to expand such health care options. Veterans in every region—West Virginia, Florida, California, and across the country—deserve access to hospice care, respite care, and other health care alternatives.

Earlier this month, the Senate Veterans' Affairs Committee considered the issue of hospice care at its hearing. I was proud to introduce to the committee a special witness from West Virginia, Ms. Charlene Farrell, the director of the Hospice of Huntington. Her testimony was deeply moving and compelling. Ms. Farrell has been a leader in West Virginia on hospice care and has personally tried to reach out to veterans and families to provide special care. Unfortunately, not all veterans, as Ms. Farrell poignantly notes, are able to choose hospice care.

To help more veterans have access to hospice care, I am cosponsoring Senator GRAHAM's hospice pilot program.

I would like to share with my colleagues Ms. Farrell's testimony regarding hospice and caring for veterans. I ask unanimous consent that Ms. Farrell's testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CHARLENE FARRELL, EXECUTIVE DIRECTOR, HOSPICE OF HUNTINGTON, BEFORE THE SENATE VETERANS' AFFAIRS COMMITTEE, JUNE 12, 1991

On behalf of the Hospice of Huntington and the National Hospice Organization, I would like to thank the Committee for inviting me to testify in support of expending access to hospice care by our country's veterans.

Hospice of Huntington, located in Huntington, West Virginia, is a Medicare certified, private-non-profit community hospice and a member of the National Hospice Organization. Last year Hospice of Huntington served 233 patients and their families. I have been the Executive Director of Hospice of Huntington for almost eight years.

The National Hospice Organization (NHO) is a non-profit membership organization headquartered in Arlington, Virginia. Established in 1978, NHO is dedicated to advocating quality care for terminally ill people and their families. NHO's membership currently includes more than 1,200 hospices and over 2,000 hospice professionals. NHO provides educational programs, technical assistance, publications, advocacy and a national referral service.

In the first quarter of every year, NHO conducts a "census" of hospices in the United States. We are collecting data now for 1990. Our survey for last year suggests that there were approximately 1,529 hospice programs across the country, and at least another 130 programs under development or providing fewer services than necessary to be considered as a hospice as defined by the NHO Standards of Care.

A review of NHO census data suggests the following information about hospice care in the United States:

Forty-one percent of all hospices are independent, community based organizations.

Thirty percent of all hospices are hospital based.

Twenty-three percent of all hospices are home health agency based.

Over ninety-five percent of all hospices are non-profit or government entities.

The average hospices served approximately 124 patient/families in 1989.

Hospices across the country served approximately 186,000 patient/families in 1989.

Currently, approximately 1,000 hospice programs are Medicare certified.

Today I would like to share with you the hospice philosophy of caring for dying patients and give you some examples of my experience in dealing with the present VA system. I hope these examples will demonstrate how hospice can provide veterans with appropriate care during their last days.

Hospice is a concept of caring for patients and their families when cure is not possible and the expected life-span is measured in weeks and months. Hospice in this country is predominantly home care, with inpatient backup, as necessary. The focus of hospice care is on providing pain and symptom control for the patient and emotional and spiritual support for the patient and family. Hospice allows patients to make choices about how they spend their last days so they can die with dignity surrounded by their loved ones. Hospice helps families to go on living after the death; to acknowledge their grief, to be changed by it and yet feel whole enough to continue to lead a fulfilling life. These goals are accomplished by providing an interdisciplinary team of physicians, nurses, social workers, home health aides, pastoral and other counselors, and volunteers to interact with the patient, family, and attending physician.

As I noted, there are now almost 1,700 hospices throughout the country, a vast increase since the first American hospice was founded in 1974. Our collective experience has been that people cannot focus on living out their last days with dignity when they are in excruciating pain or when they have unbearable symptoms. Hospices have become experts in the area of pain and symptom control so that the business of dying can take on new meaning. Dying patients can be helped to make peace with their loved ones, their God, and themselves so that a sense of acceptance and serenity can surround the death bed. More than once we have witnessed family members who are able to say to their loved one, "I'm going to be alright, it's OK to let go." Shortly after, the patient died peacefully.

Many patients have goals that they set, and some live to meet that one more goal. Jim was one of those people. Jim was a veteran of the Korean conflict and very active in the American Legion Post 16. He was re-

ferred to Hospice of Huntington in November 1990 and several months later he traveled to Washington, D.C. for an American Legion meeting. He was very excited about the trip. He and his wife D.J. volunteered at the Veterans Hospital and were well known by the staff. Jim had hospice care outside of the VA system because the VA in our area does not have a hospice program. He did receive medication from the VA, but he had to travel from his rural Wayne County home 45 minutes to visit a VA physician for renewals to his prescriptions. Jim had hoped to attend an American Legion meeting next month. When he realized that wasn't going to happen, he went downhill very fast. On Memorial Day, he died at the VA hospital, three hours after he arrived there.

Continuity of care is a very important aspect of hospice care. The hospice works to help patients and families deal with physical, emotional and spiritual issues by providing a team of professionals who are aware of the patient's needs and problems. All Medicare certified hospices provide 24 hour-a-day on-call nurses, available to respond to patient crisis or concerns.

The VA system in our area with its staff rotations often has a different physician responsible for the patient's care at each admission or visit to a VA clinic. That was the problem experienced by Tom, a 70-year-old veteran of WWII and a POW in Japan for three years. He died recently after an eight-year battle with chronic depression and lung infections. Tom received hospice care at home for several months until his sister-in-law, the primary caregiver, became too ill to care for him. He entered the VA hospital in October 1990 and bounced between the VA hospital and a veterans nursing home until he died on April 11th of this year. One of his paid caregivers complained that "Every time I looked up, a different physician was there ordering something else to be done." The paid caregiver, who grew to love Tom, brought Tom's living will to the hospital and said, "Please let him die; he doesn't want to be saved."

When a patient is so ravaged by disease that cure is not possible, the focus needs to be on allowing patients to make choices about their lives and providing them as much freedom from pain and other symptoms as possible.

Leonard is a veteran of the Korean conflict with cancer of the tongue. He cannot talk, he has a tracheostomy to breathe and a feeding tube in his stomach for medication and nutrition. He was most recently at the VA hospital from February 14th to May 3rd of this year. At the VA hospital he was sullen, depressed and wanted the door and drapes shut at all times. He was referred to Hospice of Huntington when he and his daughters decided to take him home to die. He lives in a second floor, three-room apartment. His daughters and his sister take turns staying with him. He loves to sit on the porch in the sunshine or lay on his couch watching John Wayne movies. He is not easy to take care of and requires constant attention. His daughters tell me that if he lives through the summer they don't know what they will do. They both have families of their own and they attend the local universities, which will start again in September. Our local VA has no respite program to provide relief for them.

Most people, when asked, want to be at home in familiar surroundings with their loved ones when they die. Jim was no exception. Jim was a veteran of WWII, 78th Infantry Division. He hated hospitals. I know, because I am his daughter. When my middle son, Patrick, was born 17 years ago, he came to my hospital room to visit. He handed me a present and turned to leave. I asked him to walk down to the nursery to visit his new grandson and he asked, with a nervous laugh, "Do I have to?" When he was in the last stages of metastatic prostate cancer, he made me promise not to take him to the hospital. I kept that promise. I was able to do that because there was a hospice program in our community that helped my mother and me take care of him at home. I learned on a personal level that having the knowledge to care for a seriously ill patient is not enough when that patient is your parent. There were days when I couldn't perform the simplest nursing task. As a registered nurse, I accept the broken bodies as they are, and I try to make them feel better. When I looked at my Dad, I saw the contrast: the strong, independent man he was, and the weak, confused, debilitated man he had become. Without the emotional support of hospice, my grief would have paralyzed me.

I am proud to be able to address the issue of access to hospice care for veterans. It would have been my parents' 43rd Wedding Anniversary today. My father had excellent care at home until he died. All veterans don't have this option. Their daughters aren't Directors of hospices. Veterans need expanded options and equal access to these services. The present system provides good medical care; however, its focus is on cure. Programs such as the one my colleague coordinates in Hampton, Virginia, is a marvelous exception, but still an exception.

The hospice community is very sensitive to the issue of healthcare costs, and we appreciate the need to balance increasing access to healthcare and the government's need to restrain the associated costs. We believe hospice care can be an effective answer to this dilemma. While there will be a modest cost to administer the pilot project that is being proposed, the actual cost of care should be no more, and perhaps less, than providing care to all the veterans who will be eligible to receive care under the proposed project through the traditional VA hospital.

Veterans courageously faced death to preserve our country, and they deserve to have a peaceful end to their lives. The present VA system has difficulty with continuity of care for the terminally ill because there is often not an assigned attending physician. The focus of care for the most part is curative, not palliative. Emotional and spiritual support is limited. Home care is not an option for most veterans because VA benefits are most often limited to inpatient and nursing home options. Few facilities offer home care.

Those of us who have seen the coordinated, home-care-oriented hospice approach work for Medicare beneficiaries, Medicaid recipients, HMO participants and others know that it will work for veterans. We believe that a broad-based pilot program will demonstrate to the Department of Veterans Affairs that a hospice team can enable them to use scarce resources more appropriately for their terminally-ill patients.

I would like to conlude my remarks by thanking the members of this Committee, particularly the Chairman and Senators Rockefeller and Graham, for their support of this particular issue and for their support of hospice care over the years. With your help, hospice programs have changed how our nation cares for the terminally ill. We have given them back control over their own lives; we have allowed them to retain the dignity they deserve, and we have allowed them the opportunity to live, as they choose to live, until they die.●

● Mr. CONRAD. Mr. President, I am very pleased to join my distinguished colleague Senator GRAHAM in introducing legislation today that would extend the benefits of hospice care to all terminally ill veterans.

Under current law, terminally ill veterans are not eligible to receive the benefit of care in a home or hospice environment during the last 6 months of their life expectancy. Their only option is to be admitted to a Department of Veterans Affairs medical facility.

Patients under Medicare coverage are eligible to receive hospice care benefits as are most individuals receiving Medicaid assistance. Unfortunately, the same medical benefit is not available to veterans. As a result, veterans with terminal illness, and in the final days of their lives, cannot be treated with the comfort and care that would be available to Medicare and Medicaid patients in a home or hospice environment.

Under the legislation proposed by Senator GRAHAM, the Department of Veterans Affairs would have the authority to establish 15 to 30 pilot programs for the delivery of hospice care to terminally ill veterans.

The legislation would allow the Department of Veterans Affairs to test and carefully examine a variety of hospice and home care programs, including in-house programs staffed by DVA personnel, or contracting hospice options out to private, nonprofit, and profit organizations.

The benefits provided under the Hospice Services Act of 1991 would be entirely optional, and be very similar to those extended to patients with Medicare coverage. Terminally ill veterans would be eligible to receive reimbursement of fees for this health care coverage.

Mr. President, the absence of this compassionate health care alternative for veterans who have sacrificed and given so much for their country is totally unacceptable. Furthermore, the absence of this health care option for terminally ill veterans is unquestionably taxing existing Department of Veterans Affairs facilities; beds that normally would be used for veterans with immediate and acute care needs are occupied by terminally ill veterans.

Many terminally ill veterans would indeed prefer the option of residing at home, in the care of their families and friends. The hospice option would also be far more affordable to the families involved, and most certainly a less costly alternative for the Department of Veterans Affairs.

I commend my distinguished colleague Senator GRAHAM for introducing this measure and responding in a most compassionate manner to those veterans and families facing this tragic period in their lives. I strongly urge my colleagues to join in cosponsoring this measure.●

By Mr. DURENBERGER (by request):

S. 1359. A bill to reauthorize the program for infants and toddlers with disabilities under part H of the Individuals With Disabilities Education Act, and for other purposes; to the Committee on Labor and Human Resources.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT REAUTHORIZATION AMENDMENTS

• Mr. DURENBERGER. Mr. President, I rise today to introduce, by request of the administration, the Individuals With Disabilities Education Act Reauthorization Amendments of 1991.

The bill will amend and reauthorize part H of the Individuals With Disabilities Education Act [IDEA], and includes amendments to section 619 of the IDEA and various technical amendments to the IDEA and to Public Law 101-476. This bill permits States to use funding for both part H and section 619 for services during transition of children under part H to preschool programs under section 619. It would also eliminate requirements that State Interagency Coordinating Councils be composed of no more than 15 members and that parent members be parents of children no older than 6 years.

Furthermore, the legislation would encourage States to serve greater numbers of at-risk children by giving States flexibility to decide services and protections they provide to infants and toddlers at risk.

In addition, the bill would encourage States to establish sliding fee scales for direct services based on a family's ability to pay. Finally, the legislation would clarify that assistive technology services and devises are early intervention services, and extends authority for the part H lead agency to monitor programs that do not receive part H funds to ensure that the statewide system, as a whole, meets part H requirements.

I would like to note, Mr. President, that while it is the intention of Senator HARKIN and I to move forward with S. 1106, the Individuals With Disabilities Education Act Amendments of 1991 reported out of the Labor and Human Resources Committee on May 22 by unanimous voice vote, that we have worked closely with the administration while developing S. 1106 and have already incorporated many of the provisions in the administration's bill I am introducing today into S. 1106.•

By Mr. BENTSEN:

S. 1360. A bill to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE ACT

• Mr. BENTSEN. Mr. President, today I introduce a bill that will contribute greatly in preserving history and recognizing a turning point in the expansion of the United States to the West. This legislation will add to the boundaries of the Palo Alto Battlefield National Historic site and direct the Secretary of the Interior to develop a general management plan to preserve its integrity.

The Palo Alto Battlefield is the site of the first battle of the Mexican-American war. The battle took place May 8, 1846, near Brownsville, TX. Among those present were Gen. Zachary Taylor, who later became President of the United States, along with another future President, Lt. Ulysses S. Grant.

This 50-acre historic site is the only unit of our National Park System dedicated to the preservation and interpretation of resources related to the Mexican-American war, which played a very signficant role in our Nation's history. The war ended with the signing of the Treaty of Guadalupe-Hidalgo in 1848, which granted the United States the land from the Gulf of Mexico to the Pacific Ocean. The end of Mexican sovereignty in the Western territories they had occupied encouraged the expansion of United States settlements in the Southwest.

Currently, only a cannon and plaque mark the spot of the Palo Alto Battlefield. This legislation authorizes $6,000,000 to expand the site to 3,400 acres. It also instructs the Secretary of the Interior to seek out artifacts and memorabilia from the Mexican-American war for preservation and display at the site.

Many citizens in the Brownsville area appreciate the significance of this historical site and have been working to preserve it. The commemoration and interpretation of the Battle of Palo Alto and the Mexican War is strongly supported by local, county, and State elected officials as well as individuals and groups in the area. In addition to this local support there is a great desire on the part of the Mexican Government to preserve this area and recognize those Mexicans who perished. Discussions with Mexican officials are already underway to set the stage for cooperation in developing this site.

This battle provided significant firsts in American warfare, including artillery maneuvers. During the duration of the war other firsts happened such as war reports by telegraph, transportation of troops and supplies by railroad and steamboat, combat photography and the introduction of the Colt revolver in the fight. The interpretive resources provided by this legislation will allow all of us to understand better the Mexican-American war and the role it played in developing our Nation.

Overall, this expansion will be a valuable addition to the National Park System and greatly serve the local community and the many visitors to south Texas.•

ADDITIONAL COSPONSORS

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 239

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. BROWN], the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. JEFFORDS], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 250

At the request of Mr. FORD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Maine [Mr. MITCHELL], the Senator from Ohio [Mr. GLENN], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 539

At the request of Mr. INOUYE, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 539, a bill to amend title 23, United States Code, relating to motor carrier transportation.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a

new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 640

At the request of Mr. KASTEN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 741

At the request of Mr. WIRTH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 741, a bill to promote cost effective energy efficiency improvements in all sectors of the economy, promote the use of natural gas and encourage increased energy production, thereby reducing the Nation's dependence on imported oil and enhancing the Nation's environmental quality and economic competitiveness.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 775

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 781

At the request of Mr. SARBANES, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 781, a bill to authorize the Indian-American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 847

At the request of Mr. BURNS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 847, a bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent.

S. 866

At the request of Mr. BREAUX, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 869

At the request of Mr. CRANSTON, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 869, a bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 911

At the request of Mr. KENNEDY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes.

S. 914

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 971

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 971, a bill to promote the development of microenterprises in developing countries.

S. 1003

At the request of Mr. GLENN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. AKAKA], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1003, a bill to provide for appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency.

S. 1253

At the request of Mr. SANFORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1253, a bill to protect the right to carry out a lawful hunt within a national forest.

S. 1305

At the request of Mr. DOMENICI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1986 to encourage consumer participation in energy efficiency, conservation and cost-effective demand-side management by excluding from gross income payments made by utilities to customers for purchasing qualified energy conservation appliances and for taking energy conservation measures, and for other purposes.

S. 1348

At the request of Mr. MURKOWSKI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1348, a bill to terminate certain economic sanctions against Vietnam after the Government of Vietnam authorizes access to its territory for the investigation of unresolved POW and MIA cases, and for other purposes.

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. GRAHAM], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week" for 1992.

SENATE JOINT RESOLUTION 143

At the request of Mr. RIEGLE, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 143, a

joint resolution to designate the week of August 4 through August 10, 1991, as the "International Parental Child Abduction Awareness Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. CRANSTON, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from North Carolina [Mr. SANFORD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. KASTEN], the Senator from Montana [Mr. BURNS], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 145, a joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week."

SENATE CONCURRENT RESOLUTION 49—AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. FORD (for himself and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush at 2:30 p.m. on June 27, 1991. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

SENATE RESOLUTION 141—RELATIVE TO THE REPORT OF THE NATIONAL ACADEMY OF SCIENCES ON GREENHOUSE WARMING

Mr. WIRTH (for himself, Mr. AKAKA, Mr. HARKIN, Mr. SIMON, Mr. BUMPERS, and Mr. SANFORD) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 141

Whereas, the National Academy of Sciences in its report, "Policy Implications of Greenhouse Warming," has found that—

(1) increases in atmospheric greenhouse gas concentrations will be followed by increases in average atmospheric temperature;

(2) we cannot predict how rapidly these changes will occur, how intense they will be, or what regional changes in temperature, precipitation, wind speed, and frost occurrence can be expected;

(3) if the projections within the reasonable range prove to be accurate, the stresses on this planet and its inhabitants would be serious;

(4) there are numerous cost-effective actions we as a nation could take that would constitute prudent insurance;

(5) the National Academy of Sciences has concluded that the United States could reduce its greenhouse gas emissions by 10 to 40 percent of their 1990 level at very low cost;

(6) despite the uncertainties, greenhouse warming is a potential threat sufficient to justify action now;

(7) the position of the United States as the current largest emitter of greenhouse gases means that action in the rest of the world will be effective only if the United States does its share.

Whereas, the National Academy of Sciences in its report, "Policy Implications of Greenhouse Warming," has recommended that the United States—

(1) continue the aggressive phaseout of CFC and other halocarbon emissions and the development of substitutes that minimize or eliminate greenhouse gas emissions;

(2) study in detail the "full social cost pricing" of energy, with a goal of gradually introducing such a system;

(3) reduce the emission of greenhouse gases during energy use and consumption by enhancing conservation and efficiency;

(4) make greenhouse warming a key factor in planning for our future energy supply mix. The United States should adopt a systems approach that considers the interactions among supply, conversion, end use, and external effects in improving the economics and performance of the overall energy system;

(5) reduce global deforestation;

(6) explore a moderate domestic reforestation program and support international reforestation efforts;

(7) maintain basic, applied, and experimental agricultural research to help farmers and commerce adapt to climate change and thus ensure ample food;

(8) make water supply more robust by coping with present variability by increasing efficiency of use through water markets and by better management of present systems of supply;

(9) plan margins of safety for long-lived structures to take into consideration possible climate change;

(10) move to slow present loss of biodiversity;

(11) continue and expand the collection and dissemination of data that provide an uninterrupted record of the evolving climate and of data that are (or will become) needed for the improvement and testing of climate models;

(12) improve weather forecasts, especially of extremes, for weeks and seasons to ease adaptation to climate change;

(13) continue to identify those mechanisms that play a significant role in the climatic response to changing concentrations of greenhouse gases. Develop and/or improve quantification of all such mechanisms at a scale appropriate for climate models;

(14) conduct field research on entire systems of species over many years to learn how CO_2 enrichment alters the mix of species and changes the total production or quality of biomass. Research should be accelerated to determine how greenhouse warming might affect biodiversity;

(15) strengthen research on social and economic aspects of global change and greenhouse warming;

(16) the United States should resume full participation in international programs to slow population growth and should contribute its share to their financial and other support; and,

(17) the United States should participate fully with officials at an appropriate level in international agreements and in programs to address greenhouse warming, including diplomatic conventions and research and development efforts: Now, therefore, be it

Resolved by the Senate that it is the sense of the Senate, That the United States Government implement the recommendations of the National Academy of Sciences in its report "Policy Implications of Greenhouse Warming."

Mr. WIRTH. Mr. President, I am again compelled today to take the floor of the U.S. Senate to address the pervasive and complex threat of global climate change. Today, I introduce the global warming response resolution which calls on the President and Congress to promptly implement the recently released recommendations of the National Academy of Sciences, in its report "Policy Implications of Greenhouse Warming." The significance of this report, Mr. President, is overwhelming.

The academy found that:

Increases in atmospheric greenhouse gas concentrations now occurring will be followed by increases in average atmospheric temperature.

While we cannot predict how rapidly these changes will occur or how intense they will be, if the projections within the reasonable range prove to be accurate, the stresses on our planet would be serious.

The United States could reduce its greenhouse gas emissions by 10 to 40 percent of their 1990 level at very low cost.

Most importantly, the National Academy of Sciences found that despite the uncertainties, greenhouse warming is a potential threat sufficient to justify action now.

The panel's recommendations consider what is known about the costs of action, Mr. President, and the risks of nonaction. Their conclusion: We have available cost-effective mitigation options whose implementation will yield a 10 to 40 percent reduction in greenhouse gas emissions at a net benefit, or at worst, very low cost to the economy. Many of these measures would also yield major energy security benefits. Here we have the opportunity to integrate good environmental policy with good energy policy.

I and others have long argued that the United States must take the lead in the effort to reduce international greenhouse gas emissions. This feeling is echoed by the academy and I quote from their report: "Greenhouse warming poses a potential threat sufficient to merit prompt responses." Moreover, the panel "reached the collective judgment that the United States should undertake not only several actions that satisfy multiple goals, but also several whose costs are justified mainly by countering or adapting to greenhouse warming." In short, the most serious minds of our scientific community and the world scientific community have concluded that prudent, cost-effective responses to the danger of global warming are necessary at this time. In

the absence of U.S. direction, Europe has taken the lead. This abdication is an embarrassment to the proud legacy of U.S. leadership of the latter half of the 20th century.

We are rudely discovering the rise of a new superpower—nature. The blunt fact is that we are on a collision course with the planet. We have headed down a path that threatens our way of life as profoundly as living with atomic weapons. We have won the cold war but how can we beat nature? We can only destroy her, and with her ourselves. Peaceful coexistence is the answer again and this means recognizing our impact on the global environment and changing our ways accordingly.

The lack of leadership on this issue we have witnessed from a self-proclaimed "environmental President" is appalling. This administration's effort to cast one of the most serious questions of our time as a simplistic either/or proposition retards responsible debate of this question. As the academy report makes clear, we have a range of options that go beyond what has become a paralyzing paradox: believe it and do everything at great cost, or doubt it and do nothing. We must move beyond this shallow polarization. The academy points the way.

A few of the academy's recommendations include:

Continue the aggressive phaseout of CFC's;

Reduce the emission of greenhouse gases by enhancing energy conservation and efficiency. These practices will also benefit our efforts to achieve energy independence;

Consider greenhouse warming a key factor in planning for our future energy supply mix;

Reduce global deforestation and support domestic and international reforestation efforts;

Research agricultural practices to help farmers and commerce adapt to climate change thus ensuring ample food supply; and

Continue research on the record of evolving climate, the impact to species and biodiversity of CO_2 enrichment, and on the social and economic aspects of climate change; and

Most importantly, the United States should resume full participation in international programs to slow population growth and participate in international agreements and programs to address greenhouse warming.

Two years ago I joined Senator John Heinz in sponsoring the public policy study, "Project 88, Harnessing Market Forces To Protect Our Environment." This report took an in-depth look at how market-based incentives can be utilized to help solve our pressing environmental problems, as contrasted with traditional regulation. Recently, I released on behalf of John Heinz and myself a followup report: "Project 88—Round II, Incentives for Action: Designing Market-Based Environmental Strategies." This report, compiled with the help of over 100 experts from industry, academia, environmental organizations, and government agencies, takes a detailed look at environmental problems that defy traditional regulatory control methods such as global climate change. Project 88—Round II discusses least-cost policy approaches for confronting greenhouse warming, both domestically and internationally. These include a tradeable-permit program for greenhouse gases which would allow pollution reductions to be achieved at lower aggregate cost and other approaches designed to reduce the impact of climate change by enlisting the power of market forces. Project 88—Round II contains further examples of the range of cost-effective options available to reduce the threat of global warming.

Mr. President, this administration has isolated the United States outside the community of nations that has lined up to take on one of the greatest environmental challenges we face—global warming. While members of the "Carbon Club" including Great Britain, Germany, Canada, and Japan have set emissions reduction targets and deadlines, we hear only feeble lip service from an administration which chooses to ignore the deafening consensus of the world scientific community.

We have embarked on a huge and frightening experiment where our planet takes on the role of a giant laboratory. Can we rally get away with pumping millions of tons on greenhouse gases into our atmosphere year after year without effect? With consequences so serious, so pervasive, and so unpredictable, prudence demands that we act now to limit their likelihood, while we have time. I ask my colleagues today to join me in urging this administration to implement responsible cost-effective measures that will lessen the risk and potential impact of greenhouse warming.

SENATE RESOLUTION 142—RELATIVE TO THE DEATH OF A.B. "HAPPY" CHANDLER

Mr. FORD (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas, the Honorable A.B. "Happy" Chandler served Kentucky with honor and distinction as State Senator, Lieutenant Governor, Governor, and United States Senator; and

Whereas, he served with distinction in the United States Senate in the years of 1939-45, and served on the Interoceanic Canals Committee, the Judiciary Committee, the Military Affairs Committee, the Mining Minerals Committee and the Privileges and Elections Committee; and

Whereas, his accomplishments on behalf of the Commonwealth of Kentucky are a tribute to the respect and admiration in which he is held by Kentuckians and Americans across this Nation.

Resolved, That the Senate expresses its profound regret and sorrow on the death of the late Senator A.B. "Happy" Chandler.

Resolved, That the Secretary transmit an enrolled copy of this resolution to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of A.B. "Happy" Chandler.

AMENDMENTS SUBMITTED

VIOLENT CRIME CONTROL ACT

THURMOND (AND BIDEN) AMENDMENT NO. 369

Mr. THURMOND (for himself and Mr. BIDEN) proposed an amendment to the bill (S. 1241) to control and reduce violent crime, as follows:

(1) Strike page 9, line 1 through page 48, line 18 and replace with the following:

TITLE II—DEATH PENALTY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 17 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORSEEABILITY.—The defendant could not reasonably have forseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior criminal history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background or character that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant—

(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm as defined in section 921 of this title; or

(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use of attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of such Act.

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 116(b)(3)(A) of this title, if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists."

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposed to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection shall include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist, the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than a lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for and raised on appeal,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who

shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability; lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence ..... 3591".

SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFTS AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(6) MURDER.—(A) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(B) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(7) KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(8) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(9) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) by death or imprisonment for any term of years or for life.".

(10) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(11) BANK ROBBERY.—Section 2113(c) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(12) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(13) RACKETEERING.—(A) Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(B) Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18 United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking out the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking out the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

TITLE III—DEATH PENALTY FOR MURDER OF LAW ENFORCEMENT OFFICER ACT

SEC. 301. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

SEC. 302. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 205 of this Act, is amended by adding at the end the following:

§1119. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any civilian or witness assisting a Federal criminal investigation, while that assistance is being rendered and because of it, shall be sentenced according to the terms of section 1111 of title 18, United States Code, including by sentence of death or by imprisonment for life.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end of the following:

"1119. Killing persons aiding Federal investigations.".

TITLE IV—DEATH PENALTY FOR DRUG CRIMINALS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Death Penalty for Drug Kingpins Act of 1991".

SEC. 402. DEATH PENALTY FOR DRUG KINGPINS.

Title 18, chapter 228, section 3591 of the United States Code (as created by this Act), is further amended by—

(a) striking the "(3)" before the words "any other offense for which" and inserting a "(6)"; and

(b) inserting after the words "death of the President; or", the following:

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section;

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, acting with a state of mind described in subsection (6), engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

(c) At the end of section 3592, title 18, United States Code, add the following:

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3)–(6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant. The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction."

INOUYE AMENDMENT NO. 370

Mr. INOUYE proposed an amendment to the bill S. 1241, supra, as follows:

At the end of title II, insert the following:

BIDEN AMENDMENT NO. 371

Mr. BIDEN proposed an amendment to amendment No. 369 proposed by Mr. THURMOND to the bill S. 1241, supra, as follows:

Title IV is amended by adding at the end, a new section 403, as follows:

"SEC. 403. APPLICATION ONLY FOR INTENTIONAL KILLINGS.

"Notwithstanding the penalties designated in section 402 of this Act, the maximum penalty for the offenses enumerated in section 402 shall be life in prison, without release, unless the offense involves an intentional killing as defined by section 1111 of title 18, United States Code. If the offense involves such a killing, the maximum penalty shall be death."

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS

HARKIN (AND OTHERS) AMENDMENT NO. 372

Mr. KERREY (for Mr. HARKIN (for himself), Mr. DURENBERGER, and Mr. JEFFORDS) proposed an amendment to the bill (S. 1106) to amend the Individuals With Disabilities Education Act to strengthen such act, and for other purposes, as follows:

On page 42, between lines 4 and 5, insert the following:

"SEC. 23. ADMINISTRATIVE COSTS.

"Subclause II of section 611(c)(2)(A)(i) of the Act (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

On page 42, line 5, strike "23" and insert "24".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has changed the time of the hearing on paperwork reduction to 9 a.m., instead of 9:30 a.m., Tuesday, June 25, 1991, in room 428A of the Russell Senate Office Building. For further information, please call William Montalto or Susan Eckerly, at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. KERREY. Mr. President, I ask unanimous consent that the Sub-

committee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Monday, June 24, 1991, at 2:30 p.m., to hold a hearing on the Immigration and Naturalization Service and immigration issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GEORGIA'S IRON FIST OF INDEPENDENCE

• Mr. SIMON. Mr. President, we follow with great interest, and frequently a lack of understanding, the events that are unfolding in the Soviet Union.

Our hope is that a genuine, solid democracy can emerge.

Obviously, we want to see the three Baltic States independent or, at the very least, part of a very loose federation with the Soviet Union, just as Canada is in a loose federation with the British Empire. But for all practical purposes is independent.

We also have fears about what may take place.

Georgia is an example of our fears.

Their new President is Zviad Gamsakhurdia. It was good to see the first provincial election take place in Georgia, the election of someone who has been a militant anti-Communist, and spent years in jail. But we follow what has happened since the election with some apprehension.

We do not want to see a Communist dictatorship supplanted by some other form of dictatorship.

I hope that President Gamsakhurdia will recognize his place in history. It can be a shining one, or it can be one that is anything but shining. If he leads Georgia in the direction of intolerance and dictatorship, the people of Georgia will suffer, and his chance to be revered in generations to come will disappear also.

Mr. President, I ask to have printed in the CONGRESSIONAL RECORD the article from the Economist of June 1, 1991, that describes the situation in Georgia.

The article follows:

GEORGIA'S IRON FIST OF INDEPENDENCE

It should be a cause for pure rejoicing: the first president of any of the Soviet republics to be elected by popular vote. But in the case of Zviad Gamsakhurdia, just elected president of the southern republic of Georgia, joy is not unalloyed.

Mr. Gamsakhurdia has all the credentials to be a Soviet Vaclav Havel. A brave and uncompromising anti-communist, he spent years in jail. He is chairman of the Georgian branch of Helsinki Watch, which is committed to the defence of human rights. His coalition of nationalist parties, called Round Table/Free Georgia, easily won elections to the local parliament last October, promising to march Georgia out of the Soviet Union. Seven months later he remains vastly popular: he was elected president on May 26th with 87% of votes cast. The liberal intellectuals' candidate, an economist, came second. He got 6%.

Yet Mr. Gamsakhurdia's behaviour in power has given rise to fears that dicatorship is rising in Georgia along with nationalism. Rivals are denounced as traitors. The local press is given over to singing the praises of his government. Anyone insufficiently enthusiastic in his support—like the respected former leader of the Rustaveli Society (a group associated with his Round Table)—finds himself removed from office or, in other cases, in jail. Mr. Gamsakhurdia has even suggested that citizenship, and therefore property rights, in a future independent Georgia should be restricted to those who can show that their ancestors lived in the area before 1801.

Most disturbing is his treatment of Georgia's minorities. Before his election Mr. Gamsakhurdia said that he would preserve the separate legal and administrative regimes enjoyed by the three main minority groups: South Ossetia, Adjaria and Abkhazia. One month after his coalition swept topower, Mr. Gamsakhurdia abolished South Ossetia's legal autonomy (admittedly provoked by the South Ossetians' own declaration of secession from Georgia). The result was virtual civil war and dozens of deaths. Unabashed. Mr. Gamsakhurdia threatened to abolish Adjaria's autonomy as well "if this is supported by the population."

Non-Georgians account for one-third of the republic's population. Militant chauvinism, combined with ferocious attacks on rival politicians, do not bode well for settling disputes. Mr. Gamsakhurdia is fond of saying that the Kremlin is the main threat to Georgia. Dictatorship could yet supplant it.•

CENSUS UNDERCOUNT

• Mr. SASSER. Mr. President, on March 6, 1991, Senators MOYNIHAN, BENTSEN, RIEGLE, BRADLEY, KENNEDY, DIXON, SARBANES, KERRY, SIMON, LIEBERMAN, BUMPERS, DECONCINI, LAUTENBERG, MIKULSKI, BINGAMAN, BURDICK, DODD, WIRTH, PRYOR, GORE, and CRANSTON joined me in sending a letter to the Secretary of Commerce urging him to statistically adjust the 1990 Census for undercounts. I ask unanimous consent that a copy of our letter be included in the RECORD. In addition, Senators AKAKA, LEVIN, SPECTER, HEFLIN, INOUYE, SHELBY, NUNN, and ROCKEFELLER have also sponsored Senate Joint Resolution 21, calling for a statistical adjustment of the 1990 census for undercounts.

The stakes are exceedingly high. Billions of dollars of critical, but limited Federal funding will be distributed to these localities based, in large part, on the results of the 1990 census. Ever since Census Day 1990, there has been widespread concern among local officials nationwide that the census failed to count millions of Americans. Now, over 1 year after the much heralded Census Day, it appears that local claims of an undercount have fallen upon deaf ears within the administration.

Mr. President, local officials have done their part. Many have gone the extra mile launching independent census efforts to improve the accuracy of the count. I believe that we in the Congress have also done our part. Congress has made every reasonable action to ensure that the Census Bureau had the resources to undertake what has become the largest census effort in history. It is time for the Secretary of Commerce to do his part. It is time for the Department of Commerce to arrive at the only reasonable decision that can be reached, namely, that the 1990 census must be statistically adjusted for undercounts.

Just recently, Mr. President, I received a letter from the city of Fayetteville, TN, about the 1990 census process. I ask that the letter be printed in the RECORD. This letter is typical of the frustrations felt by local governments nationwide. Fayetteville made every effort to work with and cooperate fully with the Census Bureau to achieve a fair and accurate 1990 census count. The city of Fayetteville even spent $10,810.11 of its own funds conducting a special census to ensure the quality and accuracy of the count. As early as January 2, 1991, the mayor of Fayetteville contacted the Census Bureau in an effort to clear up continued discrepancies in the Fayetteville population count. Five months later, the city of Fayetteville still has not received a response from the Census Bureau.

In the interim, a great deal has occurred. The Census Bureau has released the results of its postenumeration survey. The PES results confirmed what many in the Congress and local officials had been saying all along. The Census Bureau admitted that they may have missed as many as 6 million Americans in the 1990 census count. On June 13, 1991, the Census Bureau refined the results of the postenumeration survey announcing that approximately 5.3 million Americans were not counted in the original census. The Census Bureau has confirmed that between 5 and 6 million Americans were missed in the count. I believe that it is time to correct that error.

Mr. President, the July 15, 1991, adjustment decision date is fast approaching. I do not believe that the Secretary needs to wait any longer to announce the clear and overwhelming need for a statistical adjustment to the 1990 census count.

Ten years ago, the Census Bureau declined to adjust the census. One obstacle to adjustment was said to be a lack of agreement within the statistical community regarding the methodology for adjustment. I would think that in 10 years the Census Bureau would have actively and aggressively obtained the necessary consensus in the event that an adjustment would be needed in the 1990 census process. Indeed, in the 1990 census, the need for a statistical adjustment is greater. In the 10 years

that have passed, the overall undercount rate is greater than in 1980, and the 1990 census is the first in history that is less accurate than the one before.

Mr. President, it is clear that our Nation has grown since the 1980 census count. Given the tremendous amount of time, effort, and money that has been put into the 1990 census process, it is my sincere hope that the Census Bureau and the Department of Commerce will not rely on the impediments of the past as the basis for a flawed 1990 census count.

Mr. President, I mentioned at the outset that 21 Senators and I wrote to the Secretary of Commerce on March 6, 1991, urging a statistical adjustment of the 1990 census for undercounts. Three months later, the Secretary has yet to reply to our letter.

I believe that we have waited long enough. I believe that the city of Fayetteville, TN, and localities all across this Nation have waited long enough. Americans deserve a fair and accurate 1990 census count. It is high time for an affirmative response on the question of a statistical adjustment of the 1990 census. The question remains, however, whether the Census Bureau and the Department of Commerce, in this decade, will put aside the politics of enumeration to ensure a fair and accurate 1990 census count.

The letter follows:

THE CITY OF FAYETTEVILLE,
Fayetteville, TN, May 16, 1991.

Senator JIM SASSER,
Russell Senate Office Building
Washington, DC.

DEAR SENATOR SASSER: I'm sure you have received a mountain of mail from across the State as well as Fayetteville concerning the controversy surrounding the 1990 census.

In March of 1991 Fayetteville conducted a special census. This past week the figures were checked and certified by the State of Tennessee Local Planning Division.

I thought you might be interested in the comparison between the special census and the Census Bureau.

	Census Bureau	Special census	Difference	
			Number	Percent
Population	[1]6,921	7,338	417	6
Total residences	3,232	3,347	115	
Vacancies	260	203	57	

[1] After appeal.

Because State shared funds are based on population, census counts are very important to us as well as others throughout the State and Nation.

The City of Fayetteville spent $10,810.11 conducting the census.

This expenditure and most of the controversy could have been eliminated if the Census Bureau would communicate with the local governments.

All local governments had to designate a contact person, however, the person turned out to be a mail distribution only.

As an example, Mayor John Underwood sent a letter to the Census Bureau on January 2, 1991, requesting identification of the special population, because we could not locate the actual number in these places with the census blocks.

As of this date we still don't have an answer. We do know after checking with these special places, an error of 236 people or 231 percent was committed by the Census Bureau.

During the appeals process, direct contact and communication should have occurred between the Census Bureau and our local government.

Is it possible a lesson could be learned and a division of the Federal Government communicate rather than alienate its citizens?

The City of Fayetteville Board of Mayor and Aldermen appreciates the help you have given in trying to deal with the Census Bureau.

Yours truly,

LYNN WAMPLER,
City Administrator.●

COMBATING LONELINESS

● Mr. SIMON. Mr. President, recently, in the publication Zgoda, Ed Moskal, the national president of the Polish National Alliance, had a column titled, "Combating Loneliness."

It is a topic to which we pay far too little attention.

I remember years ago when I was publishing a weekly newspaper in Troy, IL, that an older woman came in and told me she was suffering from the worst disease in the world. I asked what she meant and she said loneliness.

Ed Moskal has taken time in his column, not to write about the usual business affairs of his national organization, but has called on us to remember those who are too easily forgotten. He says:

As the weather improves and people begin to come out of their more isolated winter existence and to participate in more outdoor events, the sad fate of our lonely and shut-in neighbors must become even more apparent to those whom the world seems to have forgotten or even rejected. Each of us can effectively combat this widespread yet underreported social ill by taking some precious time from our busy lives to think about neighbors whom we have not seen for a while, about friends who have not been in church or at the lodge recently, or even about distant relatives with whom we have lost touch.

If each of us takes just a little extra time to remember those who are less mobile than we are, and who may be lonely, it can make a world of difference in their lives.

I ask that the column by Edward J. Moskal be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

[From Zgoda, June 1, 1991]

COMBATING LONELINESS

(By Edward J. Moskal)

They are almost invisible to the world, or at least to the vast majority of people who lead busy and active lives. Surrounded by family and friends and co-workers week after week, we tend to forget that—hidden in the bowels of cavernous urban apartment buildings and sterile nursing facilities—tens of thousands of individuals in each major city idle away the time by watching television or, even more depressingly, by just remembering better days which have passed them by. Our nation, indeed is likely filled with literally hundreds of thousands of the shut-in, the elderly, and the seriously ill who have no one to care for them.

The fraternal movement in the United States, in which our Polish National Alliance continues to play an integral role, was born in large part of the desire by recent immigrants to a new land with many new challenges to comfort and care for each other as well as to cover the practical expenses of families who had suffered the tragic loss of a breadwinner. Support and assistance—on such grand uniting principles is fraternalism built, and in the service of such values must fraternalism continue to function in the generations ahead.

Our world may have become a lot more sophisticated over the past half century, and an attandant individual alienation and societal cynicism about the motives of our fellow citizens are well documented in the annals of sociologists and of other scholars of the social sciences. But despite the fact that most of us have a lot more on our minds these days than even before, we must remember that at the core, all human beings continue to crave attention, support, love and understanding by other human beings.

As the weather improves and people begin to come out of their more isolated winter existence and to participate in more outdoor events, the sad fate of our lonely and shut-in neighbors must become even more apparent to those whom the world seems to have forgotten or even rejected.

Each of us can effectively combat this widespread yet underreported social ill by taking some precious time from our busy lives to think about neighbors whom we have not seen for a while, about friends who have not been in church or at the lodge recently, or even about distant relatives with whom we have lost touch. The elderly and the home-bound face special and often complicated problems which are often partially or wholly reversible only after another person takes a legitimate interest in them, and it is our duty as caring people who are proud to be a part of a historic movement like the Polish National Alliance to take an interest in a Polish American whose golden years may be over but who still can contribute much. Whether in listening to problems, assisting with practical chores, or encouraging renewed activity in the community in order to dissipate the loneliness of the depressed, each of us can make a world of difference with perhaps just a few minutes of time each week.

Our fraternal traditions of faith, family and culture should inspire us to regularly contribute our talents, time and resources for the good of our community and nation. Taking time to help those who have no one else to whom they can turn can be as rewarding to those who render assistance as to those lives are brightened by a smile and a deed well done. Take the time to care—the rewards are overlasting.●

NATIONAL GROCERS WEEK

● Mr. BOREN. Mr. President, the week of June 23 is National Grocers Week, a time to recognize the entrepreneurial contribution America's retail and wholesale grocers make to keep our economy viable, while providing friendly, hometown service to their customers.

These representatives of our great food distribution industry will be in Washington, DC, during this week, making their concerns and contributions known. "Grocers Care" is the theme of the conference, recognizing their support of "A Healthy America" with involvement in charitable organizations such as the American Cancer and Heart Associations; "A Clean America" with contributions to recycling and the environment; and "A Proud America" with Grocers' civic and patriotic endeavors.

I am proud to recognize and include in today's RECORD the activities of Oklahoma's members:

Joan Salisbury of Bud's Grocery in Vici sponsors the town baseball team, donates sacks and supplies to area schools to promote environmental awareness during Earth Day, and helped organize, advertise, and support the town's fundraiser to purchase "jaws-of-life" for the rescue squad.

Marty Monjay of Monjay's IGA in Sulphur contributes to an educational fund in conjunction with the Foundation for Excellence, making cash donations based on grocery sales receipts; supports a work-study program to train the deaf in retail, provided two bullet-proof vests to the police department; cosponsors county economic development director position; supported the Armed Forces through a Desert Storm and Welcome Home project; and supports community health clinics.

The following individuals are active supporters of their communities and will be recognized for Grocers Care activities in Washington, DC, during the week of June 23: R. Scott Petty of Petty's Fine Foods in Tulsa; Bill Johnson of Johnson Foods in Muskogee, Maurice Box of Box Food Stores in Tahlequah, R.C. Pruett of Pruett's Food in Antlers, John Redwine II of John's IGA in Spiro, Harold Hale of Hale's Foods in El Reno, Steve Brown of Save-A-Stop in Oklahoma City, Scott Dixon of Bud's Food Stores in Tulsa, and Darold Anderson of Affiliated Food Stores in Tulsa.

The Oklahoma Grocers Association actively supports and encourages members' community service activities. Elden Roscher, executive director, is also participating in Grocers Care recognition activities in Washington, DC.

These individuals and their companies deserve our recognition and the support of investing ourselves in our communities, as is their example.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 24, 1991.

Hon. JIM SASSER,
Chairman, Committeee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through June 21, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 17, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF JUNE 21, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,404.9	−740.1
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508).

[2] Current level represents the estimate and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above of June 1990 baseline level. Current level outlays include a $1.1 billion in savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (public law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JUNE 21, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	(1)		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note: Numbers may not add due to rounding.●

FOREIGN-BORN, TOO, FACE "GLASS CEILING" IN JOB PROMOTION

● Mr. SIMON. Mr. President, in March, the Washington Post printed an article by Frank Swoboda titled, "Foreign-born, Too, Face 'Glass Ceiling' in Job Promotion."

Somehow I missed that when it originally appeared, and I came across a reprint of it the other day.

It talks about an area of civil rights in our country that is a problem, though a largely unrecognized problem.

I am pleased that Commissioner Joy Cherian, of the Equal Employment Opportunity Commission, is speaking out.

I hope he continues to do that, and I hope there will be other journals in addition to the Washington Post that call attention to this problem.

I ask that the article be printed in the RECORD at this point.

The article follows:

FOREIGN-BORN, TOO, FACE "GLASS CEILING" IN JOB PROMOTION

(By Frank Swoboda)

As a first-generation American, Joy Cherian worries about job discrimination on the basis of national origin.

As a member of the Equal Employment Opportunity Commission, Cherian is in a position to do something about it.

Cherian, a native of India, talks about the "triple A's" when he talks about national origin discrimination in employment: "accent, ancestry and appearance."

And it's not just a problem for first-generation Americans, he said. "It affects not only immigrants but even third- and fourth-generation Americans," Cherian said.

"The issue is very serious. This is one of the areas where in the last 26 years after enactment of the Civil Rights Act there is still not enough focus," he said. "Women's groups are concerned about sexual harassment, the AARP [American Association of Retired Persons] is concerned about age discrimination, the NAACP and others talk about race discrimination. Who talks about national origin?"

Under federal law, it is illegal for an employer to discriminate against anyone because of birthplace, ancestry of culture. It also is illegal to require that employees speak only English at all times at work unless it is necessary for conducting business. And employers are prohibited from discriminating on the basis of an individual's accent.

Cherian said the EEOC is seeing an increase in the number of complaints concerning national origin. "We have a lot of cases," he said.

In fiscal 1987, there were 9,653 such conplaints filed with the agency, representing 8.8 percent of the EEOC caseload. Last year there were 11,688 complaints, representing 11.1 percent of EEOC cases.

Cherian's concern about such discrimination comes amid increasing reports of attacks on Arab Americans and their property as a result of the war in the Persian Gulf.

In New York, the American Civil Liberties Union has filed suit against Pan American World Airways Inc. for refusing to allow Arab Americans to fly during the early days of the war. In some cases, the airline also required American citizens of Arab ancestry to show their passports before they could fly.

It also comes at a time when Congress has changed the nation's immigration laws to open the gates for skilled workers in an effort to help U.S. corporations deal with a growing shortage, a move that could create a backlash among less-skilled American workers.

If you want to see the problems facing immigrants in the workplace, he said, you can start by looking at some areas of the federal government itself. "If you go to the National Institutes of Health," Cherian said, " you will see a lot of foreign-born scientists, and many do not go beyond the GS-14," about a middle-management level. He said the same applies to many private corporations. "You won't see many at the vice president or senior vice president level," he said.

These workers are prevented from rising to top management levels by the same "glass ceiling" blocking women and minorities, Cherian said.

Last year, the Labor Department announced a "glass ceiling initiative" for federal contractors—a universe that includes the entire Fortune 500—to determine why women and minorities reach a certain level in management and then seem to run up against an invisible barrier that keeps them out of the upper management levels. While the initiative doesn't specifically address national origin, whatever the government concludes in the study would apply to all types of discrimination.

In the study, the department's Office of Federal Contract Compliance Programs has been examining nine major corporations for nearly a year to try to determine whether women and minorities receive the same training and career advancement opportunities as the White males climbing the corporate ladder beside them. Results of that study are expected to be completed later this month.

Writing in the July issue of Labor Law Journal, Cherian cited several cases in which Asian immigrants were denied promotions because they had a foreign accent. In the article, Cherian told of two immigrants—one from Korea, the other from India—who were denied promotions in the federal government despite exemplary work records because supervisors were concerned the public would not like their accents. In both cases, the EEOC ordered the employees promoted.

"In spite of the fact that we glory in our tradition as a nation of immigrants, we tend to make it even harder for the new immigrants when we impose artificial linguistic barriers in the way of their becoming successful and productive Americans," he wrote.●

MORNING BUSINESS

Mr. KERREY. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF A.B. "HAPPY" CHANDLER

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 142, a resolution relative to the death of A.B. "Happy" Chandler submitted earlier today by Senators FORD and MCCONNELL.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 142) relative to the death of A.B. "Happy" Chandler, a former Senator from the Commonwealth of Kentucky.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, in the early morning hours of Saturday, June 14, the great Commonwealth of Kentucky, the U.S. Senate, and indeed the Nation lost a great friend, A.B. "Happy" Chandler, who died at 92 years of age.

Mr. President, Happy Chandler was born on July 14, 1889, in Corydon, KY. He graduated from Transylvania College in 1921, and went on to earn his law degree from the University of Kentucky. He opened his law practice in Versailles at the young age of 26. He served Kentucky as State senator, lieutenant governor, and two terms as Governor in 1935 and 1955.

In 1939, Happy was appointed to the U.S. Senate to fill the vacancy caused by the death of Marvel Mills Logan, and was reelected to the seat in 1942. In 1945 he resigned from his Senate seat to take the position of Commissioner of Baseball, where he has been honored as a member of the Baseball Hall of Fame for his role in the integration of major league baseball.

Mr. President, in recognition of this outstanding service to the Commonwealth of Kentucky, the U.S. Senate, and the Nation, I offer this resolution honoring A.B. "Happy" Chandler and urge its adoption

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I state for the record that I have already paid the former Governor and Senator, "Happy" Chandler, a tribute in the RECORD. I want to say that he was a very able, fine leader in this country, and we all mourn his passing.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas, the Honorable A.B. "Happy" Chandler served Kentucky with honor and distinction as state senator, lieutenant governor, governor and U.S. Senator; and

Whereas, he served with distinction in the U.S. Senate in the years of 1939-45, and served on the Interoceanatic Canals Committee, the Judiciary Committee, the Military Affairs Committee, the Mining Minerals Committee and the Privileges and Elections Committee; and

Whereas, his accomplishments on behalf of the Commonwealth of Kentucky are a tribute to the respect and admiration in which he is held by Kentuckians and Americans across this nation.

Resolved, That the Senate expresses its profound regret and sorrow on the death of the late Senator A.B. "Happy" Chandler.

Resolved, That the Secretary transmit an enrolled copy of this resolution to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of A.B. "Happy" Chandler.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROTUNDA USE AUTHORIZATION

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Senate Concurrent Resolution 49, submitted earlier today by Senators FORD and STEVENS.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 49) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush on June 27, 1991.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 49) was agreed to, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush at 2:30 p.m. on June 27, 1991. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 123, S. 1106, a bill to amend the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1106) to amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I rise today in support of S. 1106, the Individuals with Disabilities Education Act Amendments of 1991.

In 1986, Congress passed Public Law 99-457, landmark legislation which provided incentives to States to serve 3 to 5-year-old children with disabilities and created a new program, part H, which provides financial assistance to States to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for infants and toddlers with disabilities and their families.

Under part H, States were given 3 years to plan and adopt policies establishing this system in place and provide some but not all early intervention services. In the fifth year, States are expected to provide all early intervention services to all eligible infants and toddlers with disabilities and their families.

At hearing before the Subcommittee on Disability Policy, which I chair, Dr. Robert Davila, Assistant Secretary for Special Education and Rehabilitative Services, indicated the Department of Education's strong support for this program:

We believe that this program can make a real difference in helping to meet the national goal of improving the school readiness of all young children, including young children with disabilities."

This progam was special in its design because it focused on the family's role of nurturing young children with disabilities. The legislation sought to support that role by drawing together an often fragmented system of services to meet the unique needs of infants with disabilities. It did this through a focus on interagency cooperation, service coordination, and case management.

Likewise, families testified to the dramatic need for such coordinated comprehensive services, and the impact which they can have on preventing tragedies and improving outcomes for children and families.

Diane Sanny, from Fairfield, IA, reported her family's experience:

I cannot imagine what the quality of Gretchen's life would have been without the knowledge, direction and support we received.

However, as our good fortune would have it, at this time, part H was being implemented in Iowa; and we became the first pilot family in our area to have an individualized family service plan done. The process itself, was extremely beneficial because having to explain to these professionals what I was feeling for the first time clarified why I was overwhelmed and exhausted by life. The results were immediate. * * * My life was saved.

In closing, I cannot emphasize enough the impact that these services have had on our lives. For Gretchen, it means a brighter future than we ever imagined. There's little doubt that she'll be a self-sufficient, productive member of society due largely to very early and excellent care she received. As for Bob and myself, having a child with disabilities has been the greatest challenge of our lives and we have coped well with much thanks for the support we were given.

I am especially pleased to have sponsored S. 1106, which reauthorizes these vital programs, because they represent exactly the kind of preventive approach needed which coordinates the efforts of education, health and human services agencies in serving these children and their families. This program represents the first and best chance to help the families of these infants and toddlers to optimize their potential and to reach our nation's No. 1 educational goal: "By the Year 2000, all children in America will begin school ready to learn."

With the skyrocketing costs associated with health care and the disturbing trends in our educational system, we simply cannot afford to fail these children. We need all the well-educated workers and productive citizens we can produce; and this includes children born with disabilities or at risk for developmental delays. That is why I was so pleased to note recently, the statement of the Committee for Economic Development, a group of 250 of our leading corporate executives and educators. Their report, "The Unfinished Agenda: A New Vision for Child Development and Education," recommends beginning with good prenatal care, good nutrition, and other preventive services, and emphasizes the importance of early childhood education to meet children's developmental needs. It is wonderful that they, too, focused on the need for family-centered and coordinated interagency programs.

Clearly, there is a strong link between health and education which we overlook only at our own peril. This point has recently been emphasized by the National Health/Education Consortium, a group of some 40 national health and education organizations concerned about the future of America's children.

Early intervention makes a difference, but research shows that help must be made available as soon as possible after an insult has occurred.

It is clear that part H is leading the way in this national movement. In witness of this, Dr. Richard Nelson, president of the Association for Maternal and Child Health, and professor of pediatrics and director of specialized child health services at the University of Iowa, testified at our subcommittee hearing that:

Part H represents a critical national initiative for our nation's youngest citizens. The legislation has the potential to be a template for all future health and human services legislation requiring the concerted efforts of multiple federal programs to address the needs of a population. We commend the Subcommittee's commitment to these most vulnerable children and families.

While we were considering the reauthorization of part H, we had the assistance of many organizations, groups and individuals. In particular, I want to express my gratitude to the Division of Early Childhood of the Council for Exceptional Children, the Consortium for Citizens with Disabilities, the Association of Maternal and Child Health, the National Association of State Directors of Special Education, and numerous State agency officials and private citizens whose thoughtful commentary and ideas have been so helpful in this process. We also enjoyed the support and guidance of the fine staff of the Department of Education. Based upon their input we were able to draft

a bill which addresses the concerns of professionals and the needs of families who are working together to meet the needs of infants and toddlers with disabilities.

A number of my distinguished colleagues here in the Senate, and members of the House of Representatives as well, provided constructive advice. I particularly want to thank Senators DURENBERGER, KENNEDY and HATCH for their wisdom and counsel in this process.

Reading the comments and suggestions of the various groups and individuals made it clear to me that though there were challenges for State and Federal agencies to develop coordinated policies, and new relationships to be established between health, social and education agencies and families, the system is working.

In the development of this reauthorization bill, several principles guided us:

First, it became clear that any State which truly wants to participate should be given the opportunity to do so. We had to find a way to recognize the current serious fiscal realities in many States, while at the same time rewarding those States which have stayed on schedule.

Second, significant increases in funding are needed and appropriate, when related to increased direct provision of services.

Third, what the program needs now is fine-tuning, not major structural changes. Furthermore, the program needs to remain family-centered.

Finally, a way needed to be found which would ensure a smooth transition for children as they move through a continuum of programs from early intervention, to preschool, to elementary and secondary education and beyond.

On May 21, I introduced S. 1106, along with Mr. DURENBERGER, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. WELLSTONE, Mr. DODD, Mr. BINGAMAN, Mr. ADAMS, Mr. JEFFORDS, and Mr. COCHRAN. Additional cosponsors are Mrs. KASSEBAUM and Mr. DOLE. At the request of all members of the Subcommittee on Disability Policy, the bill was considered directly by the Committee on Labor and Human Resources. On May 22, 1991, the motion to favorably report the bill as introduced with technical and conforming amendments was passed unanimously by the Committee.

S. 1106 reauthorizes part H of the Individuals with Disabilities Education Act [IDEA]—Early Intervention Services for Infants and Toddlers—and amends both part H and other relevant sections of the act to improve the operation of the programs and services established. The major provisions of the bill are described below:

The bill includes several changes to parts B and H of the act designed to facilitate the development of a comprehensive seamless system of services for children aged birth to 5, inclusive, and their families which will ensure: First, a smooth transition for children moving from early intervention programs under part H to preschool programs under part B and second, the delivery of appropriate services. These changes recognize the critical role played by families in this system.

Section 2 of the bill amends the definition of "children with disabilities" in section 602(a)(1) of the act to provide discretion to the States to include children, aged 3–5, who are "experiencing developmental delays", as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social/emotional development, or adaptive development, and who, by reason thereof, need special education and related services.

Sections 3 and 4 of the bill amend sections 613 and 614 of the act to permit local educational agencies and intermediate educational units to use Individualized Family Service Plans as described in part H, instead of Individualized Education Plans, consistent with State policy and with the concurrence of the family. States are also required to create policies and procedures to assure a smooth transition from part H to part B for eligible children.

Section 5 of the bill amends section 619 of the act (Preschool Grants) to allow part B funds to be used to provide a free appropriate public education for children who will reach their third birthday during the school year, whether or not they were already receiving services under part H. However, it clarifies that this does not extend part H eligibility for services to children already receiving a free appropriate public education under part B. Comparable language to allow reciprocal usage of funds from part H to assure a smooth transition is included in section 13 of the bill. This section also raises the funding ceiling per child to $1500.

Section 6 of the bill amends section 623 of the act (Early Education Demonstration Program) to authorize the use of funds for programs which focus on children from birth to age 2, inclusive, who are "at risk" of having substantial developmental delays if early intervention services are not provided. This section also authorizes the use of these funds to facilitate and improve outreach to low-income, minority, rural and other underserved populations, and to support Statewide projects to redesign the delivery of early intervention services to infants and toddlers with disabilities and their families and special education and related services to preschool children with disabilities from segregated to integrated environments.

Section 7 of the bill increases the authorization level for parent training centers in order to assist them in meeting their expanded authority to address the needs of families with infants and toddlers with disabilities. This section also authorizes centers to increase activities designed to enhance parents understanding of their rights under part H and to impart skills necessary to enable families to facilitate their own child's development, including service coordination functions.

Section 8 of the bill updates terminology used in section 672 to describe "infants and toddlers with disabilities" and "early intervention services" consistent with the language used by those working in the early intervention field. The bill retains the term "case management" in the definition section, but in subsequent sections of the act, substitutes the term "service coordination". This section also clarifies "early intervention services" to include vision, assistive devices and technology, and necessary transportation services. Furthermore, this section includes family therapists, orientation and mobility specialists, and pediatricians and other physicians under the definition of qualified personnel. These changes codify current Department of Education policy. Finally, this section places in statute the policy in current regulations that, to the maximum extent appropriate, infants and toddlers receive early intervention services in natural environments, including the home and community settings such as day care centers, in which children without disabilities participate.

Section 9 of the bill creates a mechanism for continued participation in part H by States facing serious fiscal problems while at the same time providing rewards for those States that are in full compliance with the provisions currently in the law. Because many States were facing a deadline of June 30, 1991, to submit continuation applications under part H, passage of this provision was considered an urgent matter. For this reason, an identical provision was added by amendment to H.R. 2127, the Rehabilitation Act Amendments of 1991, which was passed by the Congress in May and signed into law June 6, 1991 (Public Law 102–52).

Section 10 of the bill amends section 676 of the act to include training of paraprofessionals, and clarifies that the State comprehensive system of personnel development must be consistent with the part B system. The general administrative and supervisory roles of the lead agency with respect to programs and activities receiving assistance are clarified. This section and section 12 of the bill, also amend sections 676 and 678 of the act to authorize and clarify that the State assigns fiscal responsibilities for part H to the several agencies. The State lead agency is then charged with assuring compliance by

all state agencies with their appropriate fiscal responsibilities under part H.

Section 11 of the bill amends section 677 of the act in several ways. A statement of the natural environments in which services are provided is required. Changes are also made to emphasize the central role of the parents in designing and implementing services. The phrase "strengths and needs" (of families) is replaced with "resources, priorities, and concerns" in accordance with the recommendations of parents. Furthermore, a new subsection (e) is added regarding parental consent. Finally, this section removes the requirement that the service coordinator be a person from "the profession most immediately relevant to the infant's, toddler's or parents' needs." This allows other qualified persons to function in this role.

Section 12 of the bill adds a new requirement under the State part H application process under section 678 of the act, by requiring a description of the policies and procedures used to ensure a smooth transition between part H and part B. A description of the process by which the lead agency notifies local educational agencies and intermediate educational units of a child's eligibility at least 90 days before part B services must begin, is also required, as are further assurances under section 678(b) of the act regarding policies and procedures adopted to ensure involvement of underserved groups and access to culturally competent services.

Section 13. This section amends section 679 of the act to allow part H funds to be used to provide a free appropriate public education to children with disabilities from their third birthday to the beginning of the following school year.

Section 14 of the bill amends section 680 of the act to clarify parental rights, including the right to decline any single or group of services without jeopardizing their access to other services. This policy is currently in the Department's regulations. The phrase "consistent with Federal and State law" is included to clarify that this section does not supersede existing valid statutes, such as child abuse reporting or other statutes protecting children or the public health.

Section 15 of the bill modifies the number of members and composition of the State Interagency Coordinating Council under section 682 of the act, selection of the chairperson, and the functions of and allowable expenditures (explicitly including child care costs for parent representatives) by the council.

Section 16 of the bill ensure that each State receives at least $500,000 beginning with fiscal year 1991 funds under section 684(c) of the act.

Section 17 of the bill extends the program for 3 years to put this part on the same time track as the discretionary programs under IDEA. This section also authorizes $220 million for fiscal year 1992 and "such sums" thereafter.

Section 18 of the bill is a new section which places in statute, the current Department of Education policy of utilizing an interagency coordinating council similar to those required at the State level. The composition and major functions and responsibilities of the council are specified.

Section 19 of the bill is a new section which requires the Secretary to carry out a study of alternative funding formulae for allocating funds under part H of IDEA. The study is to be completed in time for the next reauthorization cycle.

Sections 20 and 21 of the bill amend respectively, section 6 of Public Law 81-874 (20 U.S.C. 241 (a)) (Impact Aid) and section 1409 of the Defense Dependents Education Act of 1978 (20 U.S.C. 927) to assure the availability of early intervention services for infants and toddlers with disabilities and of a free appropriate public education for preschool children with disabilities, comparable to those available under parts B and H of the act, for military dependents.

I urge my colleagues to also support an amendment to allow an increase in a cap on the expenditure of part B funds for program administration in smaller population States. The proposed amendment would raise this from a level of $350,000, established in 1986, to $450,000.

Finally, I would like to conclude my remarks urging passage of S. 1106 with a personal note. Last year, when we passed the Americans with Disabilities Act, I dedicated that legislation to the next generation of children with disabilities and their parents. At that time I said:

> With the passage of the ADA, we as a society make a pledge that every child with a disability will have the opportunity to maximize his or her potential to live proud, productive, and prosperous lives in the mainstream of our society.

But without appropriate early intervention, preschool, and special education services provided under IDEA this promise will not be realized for many newborn infants and older children. Part H, which we are reauthorizing today, and which has been called "the most important children's disability legislation of the decade", provides these services while maintaining a focus on the family. We must not fail these children. The goals of these programs are achieveable, and it's time for us to get on with the job.

Mr. HATCH. Mr. President, I am delighted to stand in support of legislation that acknowledges the critical role families play in the development of children and that assists them in that role. I believe that S. 1106 warrants that characterization. It assists parents, the primary caregivers in families, with the sometimes overwhelming challenge of raising a child with disabilities.

I have always believed that government programs must be crafted to allow the greatest flexibility possible—individuals differ, as do families, communities, regions, and States. It is absolutely vital that the government do all it can to let decision makers, on whatever level, exercise their own best judgments wherever and whenever possible.

This legislation not only provides such flexibility, but also provides mechanisms to increase coordination among Federal programs that serve children with disabilities. This legislation also recognizes the current fiscal problems of States and provides legislative changes that will enable States to continue to receive funding even though their budgetary constraints may force them to fully implement this program at a slower rate than originally anticipated.

This is a bill that balances the need for increased services for infants and toddlers with disabilities with the fiscal realities of our economy.

I urge my colleagues to support S. 1106.

Mr. DODD. Mr. President, today I rise in support of S. 1106, the Individuals with Disabilities Act Amendments of 1991. As an original cosponsor to this important piece of legislation, I want to commend Senator HARKIN, chairman of the Disabilities Policy Subcommittee, for his continued leadership on behalf all the disabled individuals in this country.

Since the Education for All Handicapped Children Act passed into public law in 1975, all disabled children across the country have been assured the right to a free, appropriate public education. This legislation recognized that disabled children like all other children—have the fundamental right to learn and develop to their potential in the public school system. The legislation also recognized that educating disabled children provides long-term economic benefits to society, with substantial savings in welfare, institutional, and other social costs.

The expansion of services to disabled children was taken one step further in 1986, with the passage of part H—Early Intervention Services for Infants and Toddlers on the Individuals with Disabilities Education Act. This landmark legislation called for States participating in part H to provide all eligible infants and toddlers with comprehensive, early intervention services.

The importance of these early intervention services cannot be underscored. Providing disabled infants and toddlers with these critical, early intervention services can help to ameliorate the disability. They also greatly improve the child's future success in

school as well as in leading a productive and fulfilling life.

It is critical that Congress send States the message that we are committed to this program. With straining budgets and tight fiscal constraints, the States, burdened with the overwhelming majority of these program costs, are looking for leadership and commitment from the Federal Government—with the waiver provision which has already passed into public law, and with the appropriate funding. In my own home State of Connecticut, it is estimated that it will cost $27 million to serve all eligible infants and toddlers with the appropriate intervention services. Congress must send States the message that the Federal Government is committed to assisting States implement their statewide systems and provide early intervention services to all eligible children.

Since part H was incorporated into the Individuals with Disabilities Education Act, Congress has recognized the value of early intervention programs, through appropriate legislation and funding. Today's legislation continues in this spirit.

Mr. JEFFORDS. Mr. President, I rise in support of S. 1106, to reauthorize part H of the Individuals With Disabilities Education Act [IDEA] as well as the technical amendment to section 1411(c) of the act. I want to commend the chairman of the subcommittee, Senator HARKIN, for his steadfast commitment to programs which serve the needs of our disabled community.

The technical amendment to section 1411 of IDEA is particularly important to my State. The amendment raises from $350,000 to $450,000 the amount of part B funds that smaller population States may spend from each year's grant award for administering the part B program in their States.

The limit on expenditure has been in place since 1986 when the cap was raised from $300,000 to $350,000. However, inflationary increases and changes in Federal requirements have resulted in large programmatic cost increases. The increase in the administrative cap from $350,000 to $450,000 will go a long way to assist these small States in meeting the requirements and costs involved in providing services to our disabled community.

I am also glad to be a cosponsor of the part H program. Part H funds are used for the planning, development, and implementation of statewide systems to provide early invervention services for disabled infants and toddlers. Reauthorization reconfirms Federal support for these essential programs.

The importance of a bill that targets our young children cannot be underestimated. Early intervention services have proven to be among the most effective ways to prevent some disabilities from developing or to limit their severity. By helping families meet the needs of their disabled children as early as possible we provide both essential support services as well as savings in the long run.

S. 1106 includes important changes to help States facing fiscal crisis to remain in the part H program. It further reaffirms the importance of family member participation within the program and encourages coordination among agencies. S. 1106 goes to great length to ease the transition from early intervention programs to preschool programs.

Reauthorization of part H joins the numerous programs already in existence to provide access and services to disabled individuals. The American's With Disabilities Act, Individuals With Disabilities Education Act, Vocational Rehabilitation, and Development Disabilities Act, to name a few. The Government's intention cannot be questioned. However, I hope that we can now put our money where our mouth is. Intentions don't fund programs, we need adequate appropriations to assist States in providing the services that we mandate and that these children deserve.

AMENDMENT NO. 372

(Purpose: To amend part B of the Individuals With Disabilities Education Act to increase the amount of funds that may be used for administrative costs)

Mr. KERREY. Mr. President, I send an amendment to the desk on behalf of Senators HARKIN, DURENBERGER, and JEFFORDS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. HARKIN (for himself, Mr. DURENBERGER, and Mr. JEFFORDS) proposes an amendment numbered 372.

Mr. KERREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, between lines 4 and 5, insert the following:

"SEC. 23. ADMINISTRATIVE COSTS.

"Subclause II of section 611(c)(2)(A)(i) of the Act (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

On page 42, line 5, strike "23" and insert "24".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 372) was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Without objection, the bill is deemed read a third time and passed.

So the bill (S. 1106), as amended, was deemed read a third time and passed, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Act Amendments of 1991".

SEC. 2. DEFINITIONS.

Paragraph (1) of section 602(a) of the Individuals with Disabilities Education Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1401(a)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(1)"; and

(3) by inserting at the end thereof the following new subparagraph (B):

"(B) The term 'children with disabilities' for children aged 3 to 5, inclusive, may, at a State's discretion, include children—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, need special education and related services.".

SEC. 3. STATE PLAN.

(a) STATE PLAN.—Subsection (a) of section 613 of the Act (20 U.S.C. 1413(a)) is amended—

(1) by striking "and" at the end of subparagraph (B) of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting a semicolon and "and"; and

(3) by inserting at the end the following new paragraph:

"(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child's third birthday."

SEC. 4. APPLICATION.

Paragraph (5) of section 614(a) of the Act (20 U.S.C. 1414(a)(5)) is amended by inserting "(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)" after "disability".

SEC. 5. PRE-SCHOOL GRANTS.

Section 619 of the Act (20 U.S.C. 1419) is amended—

(1) in subsection (b)—

(A) in subparagraph (B) of paragraph (1), by inserting ", and for any two-year-old children provided services by the State under subsection (c)(2)(B)(ii) or by a local educational agency or intermediate educational unit under subsection (f)(2)" after "inclusive"; and

(B) in paragraph (3), by striking "$1,000" and inserting "$1,500";

(2) by amending subparagraph (B) of subsection (c)(2) to read as follows:

"(B) use not more than 20 percent of such grant—

"(i) for planning and development of a comprehensive delivery system;

"(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive; and

"(iii) at the State's discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and";

(3) by amending subsection (f) to read as follows:

"(f) Each local educational agency or intermediate educational unit receiving funds under this section—

"(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive; and

"(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H."; and

(4) by inserting at the end thereof the following new subsection:

"(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.".

SEC. 6. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

Section 623 of the Act (20 U.S.C. 1423) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by inserting ", including individuals who are at risk of having substantial developmental delays if early intervention services are not provided," after "disabilities";

(2) by striking "and" at the end of subparagraph (H);

(3) by redesignating subparagraph (I) as subparagraph (K); and

(4) by inserting the following new subparagraphs after subparagraph (H):

"(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H;

"(J) support statewide projects in conjunction with a State's plan under part H and a State's application under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments; and".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Paragraph (3) of section 635(a) of the Act (20 U.S.C. 1435(a)(3)) is amended—

(1) by striking "$12,100,000" and inserting "$15,100,000";

(2) by striking "$13,300,000" and inserting "$16,300,000"; and

(3) by striking "$14,600,000" and inserting "$17,600,000".

SEC. 8. DEFINITIONS FOR PART H.

Section 672 of the Act (20 U.S.C. 1472) is amended—

(1) in subparagraph (A) of paragraph (1)—

(A) by inserting "(hereafter in this part referred to as 'communication development')" after "speech development";

(B) by inserting "(hereafter in this part referred to as 'social or emotional development')" after "psychosocial development"; and

(C) by inserting "(hereafter in this part referred to as 'adaptive development')" after "skills";

(2) in paragraph (2)—

(A) in subparagraph (C)—

(i) in clause (iii), by striking "language and speech" and inserting "communication";

(ii) in clause (iv), by striking "psychosocial" and inserting "social or emotional"; and

(iii) in clause (v), by striking "self-help skills" and inserting "adaptive development";

(B) in subparagraph (E)—

(i) in clause (vii), by inserting "(hereafter in this part referred to as 'service coordination services')" after "services";

(ii) by striking "and" at the end of clause (x); and

(iii) by inserting at the end thereof the following new clauses:

"(xii) vision services,

"(xiii) assistive technology devices and assistive technology services, and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services,";

(C) in subparagraph (F)—

(i) by striking "and" at the end of clause (vii);

(ii) by striking "and" at the end of clause (viii); and

(iii) by inserting at the end thereof the following new clauses:

"(ix) family therapists,

"(x) orientation and mobility specialists, and

"(xi) pediatricians and other physicians,";

(D) by redesignating subparagraph (G) as subparagraph (H); and

(E) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and".

SEC. 9. DIFFERENTIAL FUNDING.

Section 675 of the Individuals with Disabilities Education Act (20 U.S.C. 1475) is amended by adding at the end thereof the following new subsection (e):

"(e) DIFFERENTIAL FUNDING FOR FOURTH OR FIFTH YEAR.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, a State shall be eligible for a grant under section 673 for fiscal years 1990, 1991, or 1992 if—

"(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State's third or fourth year of participation under this part; and

"(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including—

"(i) information demonstrating to the Secretary's satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

"(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

"(2) APPROVAL OF REQUEST.—

"(A) FIRST YEAR.—The Secretary shall approve a State's request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

"(B) SECOND YEAR.—The Secretary shall approve a State's request for a second year of extended participation under this subsection if the State—

"(i) meets the requirements of paragraph (1); and

"(ii) demonstrates to the Secretary's satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

"(3) DURATION.—The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

"(4) PAYMENT.—

"(A) FISCAL YEAR 1990.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall receive a payment under this part in an amount equal to such State's payment under this part for fiscal year 1989.

"(B) FISCAL YEAR 1991 OR 1992.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment for such fiscal years in an amount equal to the payment such State would have received under this part for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

"(C) MINIMUM.—Beginning in fiscal year 1991, the payment under this part to each of the 50 States, the District of Columbia, and Puerto Rico shall not be less than $500,000.

"(5) REALLOTMENT.—

"(A) FISCAL YEAR 1990.—The amount by which the allotment computed under section 684 for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d), any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallotted, notwithstanding the percentage limitations set forth in sections 684 (a) and (b), among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(B) FISCAL YEAR 1991 OR 1992.—The amount by which a State's allotment computed under section 684 for any State for fiscal years 1991 or 1992 exceeds the amount that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallotted, notwithstanding the percentage limitations set forth in section 684 (a) and (b)—

"(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no

such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 for the previous fiscal year;

"(ii) second, if funds remain, among those States that have—

"(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

"(II) qualified for extended participation under this subsection; and

"(III) not received a reallotment payment under clause (i),

in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallotment payment that is larger than the payment such State would otherwise have received under section 684 for such year; and

"(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallotment payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(6) DEFINITIONS.—For the purpose of this subsection, the term 'State' means—

"(A) each of the 50 States, the District of Columbia, and Puerto Rico;

"(B) each of the jurisdictions listed in section 684(a); and

"(C) the Department of the Interior.".

SEC. 10. REQUIREMENTS FOR STATEWIDE SYSTEM.

Subsection (b) of section 676 of the Act (20 U.S.C. 1476(b)) is amended—

(1) in paragraph (4), by striking "case management" and inserting "service coordination";

(2) in paragraph (8)—

(A) by inserting "the training of paraprofessionals and the" after "including"; and

(B) by inserting "that is consistent with the comprehensive system of personal development described in section 613(a)(3)" after "State"; and

(3) in paragraph (9)—

(A) by amending subparagraph (A) to read as follows:

"(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part."; and

(B) in subparagraph (C)—

(i) by inserting "in accordance with section 678(a)(2)" after "responsibility"; and

(ii) by striking "agency" and inserting "agencies".

SEC. 11. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 of the Act (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as redesignated in subparagraph (A)) the following new paragraphs:

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability; and";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "language and speech" and inserting "communication";

(ii) by striking "psychosocial" and inserting "social or emotional"; and

(iii) by striking "self-help skills" and inserting "adaptive development";

(B) in paragraph (2), by striking "strengths and needs" and inserting "resources, priorities, and concerns";

(C) by redesignating paragraphs (5), (6), and (7), as paragraphs (6), (7), and (8), respectively;

(D) by inserting after paragraph (4) the following new paragraph (5):

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided,"; and

(E) in paragraph (7) (as redesignated in subparagraph (C))—

(i) by inserting "(hereafter in this part referred to as the 'service coordinator')" after "manager"; and

(ii) by inserting "(or who is otherwise qualified to carry out all applicable responsibilities under this part)" after "needs"; and

(3) by inserting at the end thereof the following new subsection:

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.".

SEC. 12. STATE APPLICATION AND ASSURANCES.

Section 678 of the Act (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (9);

(B) by redesignating paragraphs (2), (3), (4), (5), and (6), as paragraphs (3), (4), (5), (6), and (7), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,";

(D) by striking "and" at the end of paragraph (7) (as redesignated in subparagraph (A)); and

(E) by inserting immediately after paragraph (7) (as redesignated in subparagraph (A)) the following new paragraph (8):

"(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in pre-school programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides at least 90 days before such child is eligible for the preschool program under part B in accordance with State law,"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph (7):

"(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of this part and to ensure that such families have access to culturally competent services within their local areas, and".

SEC. 13. USE OF FUNDS.

Section 679 of the Act (20 U.S.C. 1479) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting a comma; and

(3) inserting at the end thereof the following new paragraph:

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.".

SEC. 14. PROCEDURAL SAFEGUARDS.

Section 680 of the Act (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting "including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law" after "information";

(2) by redesignating paragraphs (3), (4), (5), (6), and (7), as paragraphs (4), (5), (6), (7) and (8), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.".

SEC. 15. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 of the Act (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "15 members" and inserting "at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678"; and

(B) in paragraph (2)—

(i) by striking "and the chairperson of the Council"; and

(ii) by inserting before the second sentence thereof the following new sentence: "The chairperson of the Council shall be selected by and from among the members of the Council, except that the chairperson shall not be the representative from the lead agency.";

(2) by amending subsection (b) to read as follows:

"(b) COMPOSITION.—(1) The Council shall be composed as follows:

"(A) At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) At least one member shall be from the State legislature.

"(D) At least one member shall be involved in personnel preparation.

"(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(2) The Council may include other members selected by the Governor, including a representative from the agency responsible for the State governance of insurance.";

(3) in subsection (d)—

(A) by inserting "to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business," before "to hire staff"; and

(B) by inserting "to" before "obtain"; and

(4) in subsection (e)—

(A) by striking "The" and inserting "(1) The";

(B) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (D), respectively;

(C) by striking "and" at the end of subparagraph (B) (as redesignated in subparagraph (B));

(D) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(E) by inserting at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.".

SEC. 16. ALLOCATION OF FUNDS.

Paragraph (1) of section 684(c) of the Act (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking "1991" and inserting "1994"; and

(2) by inserting "or $500,000, whichever is greater" before the period at the end thereof.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 of the Act (20 U.S.C. 1485) is amended to read as follows:

"There are authorized to be appropriated to carry out this part $220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 18. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H of the Act (20 U.S.C. 1471 et seq.) is amended—

(1) by redesignating section 685 (as amended in section 17) as section 686; and

(2) by inserting after section 684 the following new section:

"SEC. 685. FEDERAL INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

"(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State and local agencies;

"(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across agencies;

"(C) coordinate the provision of Federal technical assistance and support activities to States;

"(D) identify gaps in agency programs and services; and

"(E) identify barriers to Federal interagency cooperation and program operation.

"(2) APPOINTMENTS.—The Council and the Chairperson shall be appointed by the Secretary. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

"(b) COMPOSITION.—The Council shall be composed of—

"(1) a representative of the Office of Special Education Programs;

"(2) a representative of the National Institute on Disability and Rehabilitation Research;

"(3) a representative of the Maternal and Child Health Services Block Grant Program;

"(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

"(5) a representative of the Health Care Financing Administration;

"(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

"(7) a representative of the Social Security Administration;

"(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

"(9) a representative of the National Institute of Mental Health;

"(10) a representative of the National Institute of Child Health and Human Development;

"(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

"(12) a representative of the Indian Health Service;

"(13) a representative of the Surgeon General;

"(14) a representative of the Department of Defense;

"(15) a representative of the Administration for Children and Families;

"(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

"(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

"(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

"(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

"(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants, toddlers with disabilities and their families and preschool children with disabilities; and

"(21) other persons appointed by the Secretary.

"(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

"(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

"(2) conduct policy analyses of all Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

"(3) develop and recommend strategies to address issues described in paragraph (2);

"(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

"(5) provide technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(6) facilitate activities in support of States' interagency coordination efforts.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.".

SEC. 19. STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall undertake a study to identify alternative formulae for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) CONTENTS.—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding "at risk" children in formula using child count procedures; and

(E) formulae that use other alternatives or a combination of alternatives.

(b) REPORT.—The Secretary shall transmit the study and a report on such study to the

Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 20. SECTION 6 SCHOOLS.

Subsection (a) of section 6 of Public Law 81-874 (20 U.S.C. 241(a)) (Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: "For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards, available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992-1993, and all due process procedures available under part B of such Act shall be applicable to such comparable education on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.".

SEC. 21. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Subsection (c) of section 1409 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927 et seq.) is amended to read as follows:

"(1) CHILDREN WITH DISABILITIES.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993-1994.

"(2) INFANTS AND TODDLERS WITH DISABILITIES.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

"(3) IMPLEMENTATION TIMELINES.—In carrying out the provisions of paragraph (2), the Secretary shall—

"(A) in academic year 1991-1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

"(B) in academic year 1994-1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans and make available case management services; and

"(C) in academic year 1995-1996 and succeeding academic years, have in effect the program described in subparagraph (A).

SEC. 22. TECHNICAL AMENDMENTS.

(a) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Act (20 U.S.C. 1400 et seq.) is further amended—

(1) in section 602(a)—

(A) in subparagraph (B) of paragraph (1), by inserting a comma after "thereof";

(B) in subparagraph (A) of paragraph (17) (as amended in section 2(2)) by striking "and social work services, and medical and counseling services, including rehabilitation counseling," and inserting ", social work services, counseling services, including rehabilitation counseling, and medical services,"; and

(C) in paragraph (22), by striking "section 703(a)(2)" and inserting "section 7003(a)(2)";

(2) in subsection (b) of section 605, by inserting a comma after "under this title";

(3) in the heading for part B, by striking "HANDICAPPED CHILDREN" and inserting in lieu thereof "CHILDREN WITH DISABILITIES";

(4) in section 611—

(A) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "paragraph (3)" and inserting "paragraph (5)"; and

(B) in paragraph (1) of subsection (f), by striking "schools operated for Indian children" and inserting "schools for Indian children operated or supported";

(5) in paragraph (3) of section 612, by striking "first with respect to handicapped children" and inserting "first with respect to children with disabilities";

(6) in subsection (a) of section 613—

(A) in paragraph (2), by striking "and section 202(1) of the Carl D. Perkins Vocational Education Act"; and

(B) in subparagraph (B) of paragraph (9), by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(7) in subsection (b) of section 617, by striking "(and the Secretary, in carrying out the provisions of subsection (c))";

(8) in paragraph (1) of section 622(a), by inserting a comma after "State educational agencies";

(9) in subparagraph (A) of section 623(a)(1) by striking "communication made and" and inserting "communication mode"; and

(10) in paragraph (1) of section 624(a), by striking ", including" and all that follows through the end thereof and inserting "of such children and youth with disabilities, including their need for transportation to and from school,";

(11) by amending the heading for section 626 to read as follows:

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES";

(12) in section 631—

(A) in subparagraph (E) of subsection (a)(1), by striking "handicapped children" and inserting "children with disabilities"; and

(B) by amending subparagraph (D) of subsection (c)(5) to read as follows:

"(D) participate in educational decisionmaking processes including the development of the individualized education program";

(13) in paragraph (3) of section 634(a), by striking "section 631(c)(9)" and inserting "section 631(c)(10)";

(14) in the heading for section 642, by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

(15) in paragraph (2) of section 661(b), by striking "Public Law 100-407" and inserting "the Technology-Related Assistance for Individuals with Disabilities Act of 1988";

(16) in paragraph (3) of section 671(b), by striking "provided to handicapped infants, toddlers, and their families" and inserting "provided to infants and toddlers with disabilities and their families";

(17) in paragraph (6) of section 676(b) by striking "as required under this paragraph";

(18) in paragraph (3) of section 682(e), by striking "infants or toddlers" and inserting "infants and toddlers"; and

(19) in subsection (a) of section 684—

(A) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,"; and

(B) by inserting "(until the compact of Free Association with Palau is ratified)" after "Palau".

(b) MISCELLANEOUS STATUTES.—

(1) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(2) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(3) FOLLOW THROUGH ACT.—Section 663(b)(9) of the Follow Through Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(4) HEAD START TRANSITION PROJECT ACT.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(5) REHABILITATION ACT OF 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(6) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(7) HEAD START ACT.—Subsection (d) of section 640 of the Head Start Act is amended by striking "paragraph (1) of section 602 of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(8) THE HIGHER EDUCATION ACT OF 1965.—Paragraph (2) of section 465(a) of the Higher Education Act of 1965 is amended by striking "section 602(1) of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(9) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(A) in section 1903(c)—

(i) by striking "handicapped child" and inserting "children with disabilities";

(ii) by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act"; and

(iii) by striking "handicapped infant or toddler" and inserting "infant or toddler with disabilities"; and

(B) in section 1915(c)(5)(C)(i), by striking "(as defined in section 602 (16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401 (16), (17))" and inserting "(as defined in section 602(a) (16) and (17) of the Individuals with Disabilities Education Act)".

SEC. 23. ADMINISTRATIVE COSTS.

Subclause II of section 611(c)(2)(A)(i) of the Act (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

SEC. 24. EFFECTIVE DATE.

(a) SECTIONS 6 AND 7.—The amendments made by sections 6 and 7 shall take effect on October 1, 1991, or the date of enactment of this Act, whichever is later.

(b) SECTION 9.—The amendments made by section 9 shall take effect on the date of enactment of this Act.

(c) SECTIONS 8, 10, 11, 12, 14, AND 15.—The amendments made by sections 8, 10, 11, 12, 14, and 15 shall take effect on July 1, 1992.

(d) REMAINING PROVISIONS.—The remaining sections of this Act and the amendments made by such sections shall take effect on July 1, 1991, or the date of enactment of this Act, whichever is later.

Mr. KERREY. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to table the motion to reconsider is agreed to.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. KERREY. Mr. President, I ask unanimous consent that, during the recess or adjournment of the Senate, Senate committees may file reported Legislative and Executive Calendar business on Tuesday, July 2, from 12 noon to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 25, 1991

Mr. KERREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, June 25; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that there be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that on Tuesday, June 25, the Senate reconvene at 2:30 p.m. following the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. KERREY. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9:30 a.m. Tuesday, June 25.

There being no objection, the Senate, at 7:02 p.m., recessed until Tuesday, June 25, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1991:

CENTRAL INTELLIGENCE

REBERT M. GATES, OF VIRGINIA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE WILLIAM H. WEBSTER.

DEPARTMENT OF STATE

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

DEPARTMENT OF COMMERCE

ERIC I. GARFINKEL, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE DENNIS EDWARD KLOSKE, RESIGNED.

BOARD FOR INTERNATIONAL BROADCASTING

KARL C. ROVE, OF TEXAS, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1994, VICE EDWARD NOONAN NEY, TERM EXPIRED.

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be Assistant Surgeon

DAVID L. SPRENGER

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KEITH BOVETTI, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD ADES, OF FLORIDA
THOMAS MOORE, OF FLORIDA
DALE SLAGHT, OF NEW JERSEY

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DAVID P. DOD, OF OREGON
LAURA K. MCGHEE, OF FLORIDA
LANE LEE SMITH, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARGARET R. ALEXANDER, OF WASHINGTON
PAMELA LANE BALDWIN, OF VIRGINIA
JEFF BORNS, OF CALIFORNIA
RONALD A. CARLSON, OF CALIFORNIA
BAUDOUIN DE MARCKEN, OF MINNESOTA
JOHN PUTNAM GRANT, OF THE DISTRICT OF COLUMBIA
CHRISTINE ALEXANDRA KELLER, OF CALIFORNIA
RICHARD ROY MARTIN, OF CONNECTICUT
JAMES R. MCGUNN, OF CALIFORNIA
GARY W. NEWTON, OF MASSACHUSETTS
JOHN A. ROGOSCH, OF VIRGINIA
MARK STUART WARD, OF CALIFORNIA
WILLIAM H. YAEGER, III, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MARIA SANCHEZ-CARLO, OF VIRGININA
MARY LOU SCHERTZ, OF CALIFORNIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

GERALD RICHARD ANDERSEN, OF WASHINGTON
D. CRAIG ANDERSON, OF ALASKA
PETER STANTON ARGO, OF NEW MEXICO
DAVID ADKINS ATWOOD, OF THE DISTRICT OF COLUMBIA
VICTOR KEVIN BARBIERO, OF VIRGINIA
GERALD A. BARTH, OF CALIFORNIA
STEPHEN F. CALLAHAN, OF VIRGINIA
MELANIE MAMRACK CHEN, OF PENNSYLVANIA
LOUIS CORONADO, OF MICHIGAN
WILLIAM FRANKLIN DEESE, OF TENNESSEE
NADINE DUTCHER, OF WASHINGTON
ALLEN EISENBERG, OF MARYLAND
MARGOT BIEGELSON ELLIS, OF NEW YORK
JAMES ALAN FRANCKIEWICZ, OF CALIFORNIA
WILLIAM RICHARD GARLAND, JR., OF WASHINGTON
MARK W. GELLERSON, OF ILLINOIS
JOHN GISINGER, OF NEW MEXICO
HEATHER WARRACK GOLDMAN, OF FLORIDA
LYNN D. GORTON, OF THE DISTRICT OF COLUMBIA
ROBERT WARREN HANCHETT, OF CALIFORNIA
STEPHEN M. HAYKIN, OF WASHINGTON
JOHN HEPP, OF ILLINOIS
SHIRLEY ALYC'E HUNTER, OF TEXAS
JOHN J. JACOBSON, OF FLORIDA
PAULE-AUDREY KIZZIAR, OF VIRGINIA
JOEL EVAN KOLKER, OF NEW JERSEY
RICHARD ALAN MACKEN, OF FLORIDA
ALBERT LEE MERKEL, OF CALIFORNIA
DENNIS E. PANTHER, OF WASHINGTON
DAVID MATTHEW ROBINSON, OF VIRGINIA
ERNEST RICHARD ROJAS, OF CALIFORNIA
WM. BRENT SCHAEFFER, OF VIRGINIA
CHARLES SIGNER, OF NEVADA
RICHARD WINSLOW WHELDEN, OF MARYLAND
GREGG WIITALA, OF SOUTH DAKOTA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KURT EDWARD AMEND, OF IOWA
CHARLES E. BENNETT, OF WASHINGTON
GEORGE WILLIAM BRAZIER, III, OF VIRGINIA
EDWIN P. BROWN, OF PENNSYLVANIA
JANE BETH BUCHMILLER, OF MISSOURI
SANTIAGO BUSA, JR., OF CALIFORNIA
FLOYD STEVEN CABLE, OF NEW YORK
GEORGE WOOD COLVIN, JR., OF CALIFORNIA
GUSTAVO DELGADO, JR., OF MARYLAND
NORA B. DEMPSEY, OF PENNSYLVANIA
KENNETH J. FAIRFAX, OF CALIFORNIA
DARIA FANE, OF NEW YORK
THOMAS HENRY GOLDBERGER, OF NEW JERSEY
DEAN JOSEF HAAS, OF CALIFORNIA
TRACI A. JUDD, OF CONNECTICUT
GEORGE KENNEY, OF ILLINOIS
STEPHEN CARVER KIMMEL, OF NEW YORK
ALLAN DAVID LANGLAND, OF CALIFORNIA
LORI GODEC MAGNUSSON, OF VIRGINIA
JONATHAN R. MCHALE, OF NEW JERSEY
JEFFREY A. MEER, OF NEW YORK
GARY STEPHEN MIGNANO, OF KANSAS
PATRICIA NEWTON MOLLER, OF COLORADO
JOHN KIDDOO NALAND, OF LOUISIANA
ADAM E. NAMM, OF NEW YORK
RICHARD WALTER NELSON, OF CALIFORNIA
PAUL ALEXANDER NEUREITER, OF TEXAS
PAMELA K. ROE, OF WISCONSIN
ELISABETH SCHULER, OF CALIFORNIA
TODD PAISLEY SCHWARTZ, OF OHIO
R. STUART SWANSON, OF NEW YORK
LAURENCE EDWARD TOBEY, OF NEW JERSEY
HOWARD ANDREE VAN VRANKEN, OF CALIFORNIA
KURT D. VOLKER, OF PENNSYLVANIA
JEFFREY M. ZAISER, OF THE DISTRICT OF COLUMBIA

U.S. INFORMATION AGENCY

THOMAS H. CASEY, JR., OF NEW JERSEY
TERRY R. DAVIDSON, OF TEXAS
A. L. DOCAL, JR., OF FLORIDA
PHILIPPE A. FRAYNE, OF NEW YORK
ROBERT BUTLER HILTON, OF MICHIGAN
DAMARIS ALLEN KIRCHHOFER, OF HAWAII
BRIAN A. PENN, OF WISCONSIN
CAPIE A. POLK, OF GEORGIA
VICTORIA H. SILVERMAN, OF VIRGINIA
SUSAN ELIZABETH STAHL, OF CALIFORNIA
LAURIE WEITZENKORN, OF FLORIDA
BENJAMIN G. ZIFF, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANDREA K. ALBERT, OF VIRGINIA
THEODORE ALLEGRA, OF COLORADO
MARJORIE A. AMES, OF VIRGINIA
CLAUDIA E. ANYASO, OF THE DISTRICT OF COLUMBIA
MASARU S. ASCHENBACH, OF VIRGINIA
JONATHAN D. BANK, OF MARYLAND
DEBORAH J. BARRASS, OF VIRGNIA
EDWARD CHARLES BERDICK, OF CONNECTICUT
CHARLES O. BLAHA, OF WISCONSIN
AMY MARGARET BLISS, OF COLORADO
MARK W. BOCCHETTI, OF MISSOURI
STEVEN C. BONDY, OF CALIFORNIA
KATHLEEN JOANNE BRAHNEY, OF VIRGINIA
WILLIAM D. BRIGGS, OF MARYLAND
RICHARD GEORGE BROWN, OF THE DISTRICT OF COLUMBIA
LAURA G. BYERGO, OF VIRGINIA
THOMAS J. CANDLER, OF VIRGINIA
GLADYS SHAWN COOPER, OF CALIFORNIA
MARY ELLEN COUNTRYMAN, OF WASHINGTON
SHAWN P. CROWLEY, OF FLORIDA
MARK DANNER, OF THE DISTRICT OF COLUMBIA
KATHRYN J. DAVENPORT, OF VIRGINIA
JILL DERDERIAN, OF MARYLAND
PUSHPINDER S. DHILLON, OF OREGON
WILLIAM D. DOUGLASS, OF NEVADA
AUDREY BONITA DUMENTAT, OF ILLINOIS
PETER ALFRED EISENHAUER, OF WISCONSIN
JEFF AUGUST ELZINGA, OF WISCONSIN
CARI ROBIN ENAV, OF NEW YORK
JOHN C. FOSS, OF VIRGINIA
JULIA FULLER, OF THE DISTRICT OF COLUMBIA
SUSAN PATRICIA GARRO, OF THE DISTRICT OF COLUMBIA

ERIC V. GAUDIOSI, OF PENNSYLVANIA
GEORGE D. GAYDOS, JR., OF PENNSYLVANIA
KATHRYN SCHMICH GELNER, OF MISSOURI
IN-MI KIM GOSNELL, OF VIRGINIA
LAURA MARLENE GOULD, OF NEW JERSEY
ANGELA LYNETTE GRAY, OF NORTH CAROLINA
LAURA ANN GRIESMER, OF OHIO
ALYSON L. GRUNDLER, OF NEW YORK
LOY ALLEN HALEY, JR., OF THE DISTRICT OF COLUMBIA
JAN ERIK HALL, OF MARYLAND
PETER MARK HAYMOND, OF VIRGINIA
STEVEN HENDRYX, OF CALIFORNIA
JOAN P. HILL, OF NORTH CAROLINA
DANIEL N. HOFFMAN, OF VIRGINIA
ANDREW GRISWOLD HYDE, OF VIRGINIA
OLIVER BRAINARD JOHN, OF VIRGINIA
EDWARD BERNARD JOHNS, JR., OF VIRGINIA
SENECA ELIZABETH JOHNSON, OF IDAHO
HENRY KAMINSKI, OF MARYLAND
CHRISTOPHER KAVANAGH, OF ILLINOIS
DAVID R. KEENER, OF VIRGINIA
CYNTHIA A. KIERSCHT, OF NORTH DAKOTA
JAMES ALCORN KNIGHT, OF NEW YORK
JOSEPH JAMES KOO, OF VIRGINIA
ELENA J. KRAWCZYK, OF VIRGINIA
JOSEPH P. KRUZICH, OF OREGON
MYUNGSOO MAX KWAK, OF CALIFORNIA
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA
JOHN P. LOMBARD, OF VIRGINIA
JOHN M. LYNN, OF OREGON
ALFRED R. MAGLEBY, OF UTAH
MELISSA BOYLE MAHLE, OF CALIFORNIA
MARTY WILLIAM MARTIN, OF VIRGINIA
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS
BRIAN DAVID MCFEETERS, OF NEW MEXICO
JOHN K. MOLEN, OF VIRGINIA
TIMOTHY MICHAEL MONAHAN, OF THE DISTRICT OF COLUMBIA
LARRY A. MOODY, OF CALIFORNIA
KATHLEEN A. MORENSKI, OF VIRGINIA
CHRISTOPHER W. NYCE, OF VIRGINIA
JAMES M. OTTINGER, OF VIRGINIA
ELISE THAYER PATTERSON, OF TEXAS
MARION K. PLUMMER, OF VIRGINIA
MILES ANDREW POMPER, OF NEW JERSEY
GORDON ASA PROUTY, OF CALIFORNIA
ALLISON PUGH, OF NEW YORK
JOHN THOMAS RATH, OF NEW MEXICO
JONATHAN D. RICE, OF VIRGINIA
STEPHEN W. RILEY, OF VIRGINIA
EARL S. ROBINSON, III, OF LOUISIANA
DAVID CLINTON RODEARMEL, OF WASHINGTON
DEAN RAYMOND ROGERS, IV, OF VIRGINIA
FARREL H. ROPER, III, OF COLORADO
ROBERT ROSENFELD, OF MARYLAND
MARCO N. SAINATI, OF VIRGINIA
DOROTHY KREBS SARRO, OF NEW YORK
CHRISTINE SARKES SASSEVILLE, OF MARYLAND
ANDREW J. SCHOFER, OF NEW JERSEY
JANET DAWN SHANNON, OF WASHINGTON
JONATHAN JAMES SHAKES, OF CALIFORNIA
SHEILA A. SIPES, OF MARYLAND
CORINNE E. SMITH, OF NEW YORK
ANDREW SNOW, OF NEW YORK
THOMAS L. STRIPLING, OF VIRGINIA
ALEXANDER C. TABB, OF VIRGINIA
JOYCE A. THOMPSON, OF VIRGINIA
ROBERT S. THOMPSON, OF MARYLAND
NANCY L. TODD, OF MONTANA
JOHN JOSEPH WALESIEWICZ, OF VIRGINIA
GARRY TIM WALL, OF VIRGINIA
MYLES E. WEBER, OF MINNESOTA
ROBERT L. WHITE, OF VIRGINIA
ANGELA D. WILLIAMS, OF CALIFORNIA
HANNU A. WOLIN, OF VIRGINIA
JULIET WURR, OF CALIFORNIA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

RALPH E. JOHNSON, OF NEW JERSEY
ROGER ALLEN MEECE, OF WASHINGTON

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PAUL S. CARPENTER, OF VIRGINIA
KENNETH A. COHEN, OF MARYLAND
JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA
S. AHMED MEER, OF MARYLAND.
PAUL P. POMETTO, II, OF MARYLAND
JAMES E. ROBERTSON, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 23, 1988:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

VICTOR D. COMRAS, OF FLORIDA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES R. CLAPPER, JR. xxx-xx-xxxx U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THURMAN D. RODGERS xxx-xx-x... U.S. ARMY.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

DENNIS J. FRINGELI xxx-xx-xx...

ARMY

To be major

DWIGHT D. BONHAM xxx-xx-x...
*MICHAEL P. GOLDBERG xxx-xx-x...
JOAQUIN F. REIS, III xxx-xx-x...

MEDICAL CORPS

To be major

*MARSHA C. ARMSTRONG-MILLER xxx-xx-x...
*FRANK A. BAUER xxx-xx-x...
*CURTIS W. FISHER, II xxx-xx-x...
*VINITA GUPTA xxx-xx-x...
GREGORY B. HUGHES xxx-xx-x...
*JOHN H. SCHRANK xxx-xx-x...
*IRWIN B. SIMON xxx-xx-x...

HOUSE OF REPRESENTATIVES—*Monday, June 24, 1991*

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, source of all that is true, creator of all that is good, Father of all people, everywhere:

Grant, we pray, wisdom to leaders of nations, especially the President, the Members of Congress, and judges of this land. May truth be discerned with equity, justice pursued with diligence.

Renew, we pray, a sense of beauty and awe in Your created order.

May we not harm as much as help, waste as much as wonder; and give gratitude in our hearts for our families.

May past generations not be forgotten;

May parents be loving and patient; and

May our sons and daughters be blessed with Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Michigan [Mr. CAMP] will please come forward and lead the House in the Pledge of Allegiance.

Mr. CAMP led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 249. An act for the relief of Trevor Henderson.

The message also announced, that, pursuant to Public Law 101-509, the Chair, on behalf of the Republican leader, announces his appointment of Dr. Donald R. McCoy, of Kansas, to the Advisory Committee on the Records of Congress.

THE 438TH MILITARY POLICE UNIT OF THE KENTUCKY NATIONAL GUARD SAYS: PLEASE DO NOT FORGET US

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, "Please don't forget us. Please don't forget us." That plaintive refrain was made to me from Saudi Arabia on Saturday in a phone call I had with Captain Scully, who is the commanding officer of the 438th Military Police National Guard unit which is stationed in Louisville, my hometown and congressional district.

Captain Scully's 130 men and women have been in the gulf since February. They feel that their military mission has been accomplished, and that was underscored to me at the meetings I had at the Buechel Armory on Saturday, at which I heard from the parents and relatives and spouses of these men and women.

They feel their job is over, Mr. Speaker, and that they, the reservists and the guardsmen, ought to come home. They do, after all, have jobs, and they have schools to attend.

I hope, Mr. Speaker, that the President, Secretary Cheney, General Powell, and all the rest will bring those folks back home.

I am wearing a little button today which says, "Til they all come home." Let us not forget at the parades on the Fourth of July, which will take place in just a few days, that not all our troops are back yet. The 438th is not back home, and I pledge to do all I can to get them back home as soon as possible.

REFUTATION OF ALLEGATIONS AGAINST NED UNIT IN COSTA RICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, in recent days, there have been allegations by Members of this body of improper activities in Costa Rica by the National Republican Institute for International Affairs, a part of the National Endowment for Democracy.

The Republican Institute's activities in Costa Rica have been public, on the record and clearly within its charter and that of the National Endowment of Democracy. The accusations about the Institute's work suggests a political motivation reflecting the intense Presidential campaign which occurred in Costa Rica 2 years ago.

Since the allegations made about the Republican Institute's activities in Costa Rica are not true, I am placing in the RECORD today a point-by-point rebuttal. I urge my colleagues to consider carefully the Republican Institute's statements before accusing it of improper actions in Costa Rica.

MORE SHOCKING REVELATIONS IN THE S&L DEBACLE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the savings and loan disaster may be the most blatant example of Government waste, mismanagement, incompetence, neglect, and favoritism in the history of the United States. When we see what it is going to cost the taxpayers, it is absolutely shocking.

But even more shocking is how the FDIC is dealing with this. We should remember that this agency is funded by the American taxpayer, and they are proceeding to settle these savings and loan cases in sealed court decisions. Yes, the taxpayers can pay the bill, but they cannot see what happened.

We just finished the one in the Silverado case in Colorado. The taxpayers are going to be on the hook for $950 billion. They sealed the decision on the $49 million that they assessed to the people who were really at fault, and actually we now find out that over $23 million of that was taxpayer-funded money, too. So we are going to pay even more.

Mr. Speaker, I think the taxpayers should be getting much more response from the administration and from everyone else. To continue thumbing their noses at the taxpayers who are left holding the bag is absolutely outrageous.

"TAX FAIRNESS" IS HITTING THE MIDDLE CLASS AND CAUSING JOBS TO BE LOST

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, remember the budget reconciliation bill passed by Congress last year? To reach

a deal, some Members of Congress agreed to "soak the rich" and pile on new taxes on so-called luxury items. The new tax hit automobiles above $30,000, yachts above $100,000, and aircraft above $250,000.

The Joint Committee on Taxation indicated this tax would raise nearly $1.5 billion between 1991 and 1995. The 10-percent excise tax would be mere pocket change for the wealthy. The tax took effect on January 1, 1991. Not long after, a funny thing happened. People stopped buying new boats, cars, and planes.

Bustling boat yards around the country began to close. Layoffs have followed in other industries. For instance, 275 dedicated and loyal employees who produced fiberglass for yachts at the PPG plant in Shelby, NC, have been laid off.

Obviously, putting people out of jobs has not done much for "revenue enhancement." The unemployed cannot send taxes to the U.S. Government.

The point to make however, is that when Congress tried to soak the rich, a lot of hard-working average American citizens paid the price—with their jobs. Join with me by working for true tax fairness and opposing these burdensome taxes.

QUALITY NOT THE ISSUE—TOO MANY IMPORTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the big three automakers lost a record $4.7 billion in the last two quarters. Experts now warn that both Chrysler and Ford could collapse and could be on the ropes.

But let us get off the "quality" crap around here. An MIT study says that 80 percent of the auto manufacturing plants in the United States that are free of defects and tops in quality are American plants. The truth is that there are just too many cars, too much capacity.

□ 1210

Mr. Speaker, Congress has turned America into a giant flea market, and does not even charge table space. The truth of the matter is, we cannot even ship a couple hundred sacks of rice to Japan, unless we are nice. Think about it.

CONGRESS: A BROKEN RECORD

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, some observers comment that this body sounds like a broken record. Every year we seem to go round and round on the same issues, sort of a perpetual "play it again Sam" program. Well, here we are, poised once again to vote on the Interior appropriations bill, legislation that has traditionally been the focal point of intense debate over oil drilling. Every year, those of us who believe that drilling for oil in environmentally sensitive waters is unsound and shortsighted, line up to oppose such activity. And every year, there are those who advocate more drilling because they believe oil is the proven answer to our energy needs. The people of the coastal United States that I represent now know that the whole "to drill or not to drill" debate misses the mark. They are urging that we debate a longer-term vision of how we are going to meet our country's growing energy needs with conservation and alternative energy resources. Instead of just playing the same song over and over again, with the same old refrain, "More drilling, more drilling, more drilling." Let's look to a more comprehensive energy approach.

S&L BAILOUT IS A HUGE TAX INCREASE

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise today to briefly touch upon one of the major crises facing this country, and that is the continued bailout of the savings and loan industry, and they are now talking about another $100 billion, and the very precarious condition of the commercial banks who may also soon be in need of a major infusion of taxpayer money.

I wish to make two brief points:

First, I will not, and I hope you will not, vote another penny for the S&L bailout, or a bailout of the commercial banks, unless we make absolutely certain that it will not be the working people, the elderly, or the poor who end up paying for the bailout. This bailout is nothing more than a huge tax increase, and it is imperative that the wealthiest people in this country, the people whose incomes have soared and whose tax burdens have declined during the last decade shoulder the cost, and not working people or the middle class, who have seen a decline in their standard of living while their tax burden has increased.

Second, as a member of the House Banking Committee, I want to express deep concerns about the President's bank proposals which will give greatly expanded powers to the banks. Mr. Speaker, the taxpayers of this country are currently spending hundreds of billions of dollars in bailout money because of the fraud, mismanagement, and extremely irresponsible investment practices of the banking community, both in the S&Ls and the commercial banks. Given that reality and that track record, it seems to me to be the height of folly to give these same people even more power than they have now. I do not intend to support the President's proposal.

TREAT ESCOBAR AS ONE OF WORLD'S MOST WANTED CRIMINALS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, one of the world's most ruthless and dangerous criminals, billionaire drug baron, Pablo Escobar, leader of Colombia's Medellin cocaine cartel, surrendered last week. He was joined in his surrender by his top lieutenants and his brother Roberto. While there should be some celebrating the jailing of the Escobars, unfortunately I am reluctant to celebrate at this early stage in the judicial process.

I am concerned that we will be subjected to Escobar's continued dealings as he conducts business as usual. Pablo Escobar has negotiated his surrender and is now being housed in a private, luxury jail overlooking his hometown of Envigado. His surrender was conditioned upon Escobar's being able to direct who will guard him, the banning of police from the prison, and a special mesh roof on the prison designed to repel any potential aerial attacks. This deal was completed just hours after the Colombian Government agreed to ban extradition.

Despite destroying thousands of lives world wide, both by assassination and by providing poisonous drugs to the world's youths, Pablo Escobar was guaranteed a reduced sentence by the Colombian Government. Mr. Speaker, I ask, is this justice? Is this the example we want to set for treatment of one of the world's most wanted criminals?

I fear this lenient slap-on-the-wrist treatment will do absolutely nothing to halt this man's heinous operations that are wreaking havoc throughout this world. I fear this savage being will continue to conduct business as ususal with the new headquarters located at his luxury hotel which he and the Colombian Government are labeling a prison. And when his term is completed, Escobar will pick up where he left off, resuming his No. 1 position in the Medellin cartel.

I commend the Colombian Government's overall efforts, but I urge them to administer sterner treatment of the world's No. 1 drug trafficker, Pablo Escobar. I hope a cloak is not being thrown over the world's eyes as we witness the arrest of this horrible man.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

FORT SMITH MUNICIPAL AIRPORT, FORT SMITH, AR

Mr. ROE. Mr Speaker, I move to suspend the rules and pass the bill (H.R. 2132) to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, AR, title to certain lands at the Fort Smith Municipal Airport for construction of a road.

The Clerk read as follows:

H.R. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER AUTHORITY.

Notwithstanding section 511(a)(14) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(14), including any rule or order issued or grant assurance made to carry out such section), the Fort Smith Airport Commission may transfer, without monetary consideration, to the city of Fort Smith, Arkansas, title to such lands within the boundaries of the Fort Smith Municipal Airport as may be necessary to construct a road connecting Massard Road, south of Rogers Avenue, to the terminus of Phoenix Avenue at Interstate Route 540 if the conditions set forth in section 2 are met.

SEC. 2. CONDITIONS.

The transfer described in section 1 shall be subject to the following conditions:

(1) The city of Fort Smith, Arkansas, will close to public use—

(A) the road located within the boundaries of the Fort Smith Municipal Airport, formerly known as the Airport Loop Road; and

(B) those portions of South Louisville Road, South 66th Street, and South 74th Street, that are located within such boundaries.

(2) The city will transfer, without monetary consideration, to the Fort Smith Airport Commission title to the lands on which the road and portions of roads described in paragraph (1) are situated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2132 authored by the distinguished ranking Republican member of the committee, JOHN PAUL HAMMERSCHMIDT.

The Fort Smith Airport needs a release from assurances that the airport made to the Federal Aviation Administration when the airport purchased land with Federal Airport Improvement Program funds. At that time, Fort Smith assured the FAA that if it sold the property purchased, the airport would receive fair market value. Now, the airport wants to swap land with the city to permit a new road to be built.

The parcels of land being swapped are roughly comparable in size; however some FAA officials have indicated that such a swap may not technically meet the fair market value test.

It appears to me that a land swap of the type being proposed here leaves the airport whole. The bill simply permits this land swap to go forward, irrespective of whether the land swap technically constitutes fair market value. Authorizing the land swap will provide a safety enhancement at the Fort Smith Airport because after the new road is built the airport can close an old road which is too close to a runway and a radar facility. The new road will improve access to the airport relieving congestion and promoting efficiency.

I urge the House to pass this bill, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill to permit the airport in Fort Smith, AR, to transfer land to the city of Fort Smith. The city will use this land to build a road called the Phoenix Avenue Extension, portions of which will go through airport property.

Under current law, section 511(a)(14) of the Airport and Airway Improvement Act, an airport usually must receive fair market value for land that it transfers.

However, in this case the airport wants to transfer the land for the Phoenix Avenue Extension without receiving payment from the city. Instead, it will do a land swap. It would give land to the city for the Phoenix Avenue Extension. In return, the city will close the street known as the Airport Loop Road, which goes through airport property, and give the land for this road to the airport.

The loss to the airport by giving up the land for the Phoenix Avenue Extension would be 13 acres. The gain to the airport by acquiring the Airport Loop Road would be 12 acres. There seems to be some disagreement within FAA as to whether this land swap constitutes the fair market value required under current law.

The legislation before us now is needed to clarify this situation and allow the land transfer to go forward.

The FAA has indicated that it has no problem with this legislation. They recognize that the Phoenix Avenue Extension will improve access to the airport and that closure of the Airport Loop Road would enhance airport security by removing public access to areas near the runway and the radar.

It should be emphasized that this legislation does not authorize any money for the road. It merely clears away any legal roadblocks that may exist that could prevent the city from acquiring the land needed to construct that road.

Mr. Speaker, I would like to thank the Honorable BOB ROE, Chairman of the Public Works Committee; the Honorable JAMES OBERSTAR, chairman of the Aviation Subcommittee; and the ranking member of the Aviation Subcommittee, the Honorable BILL CLINGER, for helping to bring this measure to the floor.

Mr. Speaker, I urge my colleagues to vote for this legislation.

□ 1220

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 2132.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GARY REGIONAL AIRPORT, GARY, IN

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 470) to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN, as amended.

The Clerk read as follows:

H.R. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized, subject to the provi-

sions of section 4 of the Act of October 1, 1949 (50 U.S.C. App. 1622c), and the provisions of subsection (c), to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, Lake County, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in the Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the east one-half of section 35, township 37, range 9 west of the second principal meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the west one-half of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 26, township 37, range 9 west, lying between the C.L.S. & E. Railroad and United States Highway 12, all in the city of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain warranty deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as document number 742127, in book number 666, page 278, and that certain warranty deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as document number 82584, in book 670, page 68.

(c) LIMITATION ON USE OF AMOUNTS RECEIVED.—Any amounts received by the city of Gary, Indiana, for use of property governed by a release granted by the Secretary of Transportation under this section shall be used by the city for development, improvement, operation, or maintenance of the Gary Regional Airport.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 470 authored by our distinguished colleague from Indiana, PETE VISCLOSKY. The bill is a straight-forward measure that simply releases the Gary, IN, Airport from restrictions placed on the use of the airport property when it was deeded to Gary by the Federal Government in 1949. According to the restriction placed in the deed, Gary is required to use all of the land for airport purposes or risk it reverting back to the Federal Government.

The city of Gary would like to create the opportunity for a foreign trade zone to be established at the Gary Airport. Since the use of land for a foreign trade zone is technically not an airport purpose, Gary needs this bill enacted in order to establish the zone. The committee has been informed by the Federal Aviation Administration that the land in question is not needed for aviation purposes at the airport. We have also been told by FAA that a foreign trade zone will, in fact, further enhance the economic vitality of the airport's operations. The city of Gary would like to see a foreign trade zone established in order to attract economic development and employment. I believe it is a reasonable and responsible way to use this land.

Mr. Speaker, while this bill may appear to be a minor technical matter, let me emphasize that this bill is about job creation and improving the quality of life of hundreds of people who could obtain work at a foreign trade zone in Gary. This legislation is very important for Gary and the surrounding area. I commend the gentleman from Indiana for his vigorous pursuit of this matter.

I urge our colleagues to pass the bill, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill.

It is quite similar in its intent to my bill, H.R. 2132. Both bills would allow airport land to be used for a nonaviation, but otherwise worthwhile purpose.

In this case, the bill would allow airport land to be used as a foreign trade zone. According to the FAA, this will not interfere with the current or future operation of the airport.

Moreover, as amended by the Public Works Committee, this bill would make clear that any revenues derived from the foreign trade zone must be used for airport purposes.

These types of deed restriction removal bills are commonly passed by the House. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would first like to thank Chairman ROE and Congressman HAMMERSCHMIDT for bringing this bill I introduced, H.R. 470, to the floor today.

This legislation will remove restrictions placed on two tracts of land at the Gary Regional Airport. The restrictions, which prohibit the use of the parcels for nonaviation purposes, were placed on the land when it was deeded to the city of Gary in 1942 by the War Assets Administration. All agree that these restrictions are dated and their removal at this time is necessary so that the Gary Airport Authority may proceed with their plans to establish a foreign trade zone at the facility.

The last decade was very hard on northwest Indiana and the city of Gary particularly. The rescession in the early 1980's and the dramatic restructuring of the steel industry, the region's primary employer, resulted in unemployment rates that were the highest in the State. Thousands of families were forced to move to seek other opportunities.

However, there are strong indications that we have turned the corner and I am optimistic about the future. In Gary, the airport is one of the cornerstones that can be utilized to revitalize the city and help enhance the economic growth of the entire region. Since being elected to Congress, I have worked with local, State, and Federal officials to assist in the development of the Gary Regional Airport. The bill before the House today will spark continued development of the airport and will provide it with added momentum in the final stretch of the site selection process for designation of the area's third major airport.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 470, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAPBOX DERBY

Mr. ROE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 173) authorizing the use of the Capitol Grounds for the Greater Washington Soapbox Derby.

The Clerk read as follows:

H. CON. RES. 173

Resolved by the House of Representatives (the Senate concurring), That, the Greater Wash-

ington Soap Box Derby Association ("Association") shall be permitted to sponsor a public event, soap box derby races, on the Capital grounds on July 13, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate. Such event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the Association is authorized to erect upon the Capital grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the event. The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 173.

This resolution would authorize the Greater Washington Soap Box Derby races to be run on the Capitol Grounds on Saturday, July 13, 1991. This event would be sponsored by the local affiliate of the All-American Soap Box Derby, the Greater Washington Soap Box Derby Association.

Mr. Speaker, as this resolution is noncontroversial and as timing is critical in order to prepare for the event, we are proceeding directly to the floor today.

The races and the preparations for them provide important benefits to our youth. These include teaching basic skills in mechanics and aerodynamics as well as pride in workmanship, the joy of competition and family togetherness.

Under the resolution, the association, as the sponsor, would assume all responsibility for expenses and any liability related to the event the association would also make its arrangements for the races with the approval of the Architect of the Capitol and the Capitol Police Board.

Mr. Speaker, I urge adoption of this resolution, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 173 which will allow the Greater Washington Soap Box Derby to be run on the downward slope of Constitution Avenue. Although this event has been a yearly occurrence for the last 50 years, this will be the first time that it will be held on Capitol Grounds. Not only is the event fun for the entire family but it teaches the young participants the basics of mechanics and aerodynamics as they design and build their soap boxes for the derby.

The downward slope of Constitution Avenue on the Senate side of the Capitol provides the ideal "soap box run" for the 30–40 expected participants from around the Greater Washington area. It is not often that the U.S. Congress can contribute to the art of the Soap Box Derby, thus it is fitting and appropriate that we allow the Greater Washington Soap Box Derby Association to use our "Hill."

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman.

Since this is a very important transportation matter, I have the honor to defer to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank Representative ROE, chairman of the House Public Works Committee, and the ranking minority member, Representative HAMMERSCHMIDT, for their strong support and assistance in expediting consideration of this measure, today.

This resolution simply authorizes the use of Constitution Avenue NE, between Delaware and Third, for the Greater Washington Soap Box Derby competition—part of the All-American Soap Box Derby—on July 13.

The Architect of the Capitol and the Sergeant at Arms, as is the usual practice, will negotiate a licensing agreement with the local Derby Association to assure that there will be complete compliance with rules and regulations governing the uses of Capitol Grounds. This year's race will mark the 54th running of the Derby.

The local competition offers girls and boys, aged 9 to 16, an invaluable opportunity to develop and practice both sportsmanship and engineering skills. Although the Derby focuses attention on the young people, it is actually a family event.

It is entirely appropriate that this event, the Derby's Washington region competition which attracts young people from the District of Columbia, northern Virginia, eastern Maryland and Baltimore, be held near the center of this community.

Young people deserve, and we owe them every opportunity to not only participate in these kinds of activities, but to see others participating in them.

As Ken Tomasello, the director of the Metropolitan Washington Soap Box Derby Association said to me:

In short, while it (the Derby) doesn't keep kids "off the street", it does give them a drug-free activity "on the street."

This resolution supports just that kind of effort right here in our backyard. These kids and those who will be watching them will have a street that is safe, and which provides them with the visibility that this kind of event deserves.

Again, I want to thank the chairman and ranking minority member for their help, as well as Speaker FOLEY for his interest in this project.

I urge my colleagues to support the resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 173.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 173, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RE-REFERRAL OF H.R. 1178, RAILWAY LABOR ACT AMENDMENTS, TO COMMITTEE ON ENERGY AND COMMERCE AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. ROE. Mr. Speaker, I ask unanimous consent that the bill H.R. 1178, amending the Railway Labor Act to provide that a majority of valid votes cast by members of a craft or class of employees shall determine the representative of such craft or class for purposes of such act, be re-referred jointly to the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

This request has been cleared with the minority leadership of the House and with the majority and minority of the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RE-REFERRAL OF H.R. 2366, ECONOMIC ADJUSTMENT ASSISTANCE AUTHORIZATION ACT OF 1991, TO COMMITTEE ON ARMED SERVICES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. ROE. Mr. Speaker, I ask unanimous consent that H.R. 2366, the Economic Adjustment Assistance Authorization Act of 1991, be re-referred jointly to the Committee on Armed Services, the Committee on Banking, Finance and Urban Affairs, and the Committee on Public Works and Transportation.

This request has been cleared with the minority leadership of the House and with the majority and minority of the Committees on Armed Services and Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FEDERAL MARITIME COMMISSION AUTHORIZATION FOR FISCAL YEAR 1992

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1006) to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATION.

In fiscal year 1992, $17,974,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

SEC. 2. WAIVERS FOR CERTAIN VESSELS.

(a) Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) ARGOSY (United States official number 528616).

(2) BILLFISH (United States official number 920896).

(3) CUTTY SARK (United States official number 282523).

(4) JIGGS (United States official number 208787).

(5) LOIS T (United States official number 668034).

(6) MARCIA (State of Maryland registration number MD6814P).

(7) NUSHAGAK (United States official number 618759).

(8) PHOENIX (United States official number 655712).

(9) PURE PLEASURE (United States offical number 968163).

(10) STARLIGHT VIII (United States official number 910317).

(11) WINDWARD III (United States official number 552289)

(b) Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289) and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the following inflatable vessels may engage in the coastwise trade:

(1) Serial number 3968B, model number J990.

(2) Serial number 4581B, model number J990.

(3) Serial number A501A, model number D989.

(4) Serial number A502A, model number D989.

(5) Serial number 6291C, model number G091.

(6) Serial number 6300C, model number G091.

(7) Serial number 7302C, model number G091.

(8) Serial number 7305C, model number G091.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman from South Carolina [Mr. RAVENEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1006, a bill to authorize appropriations for the Federal Maritime Commission for fiscal year 1992. The funds authorized by this bill will enable the FMC, an independent agency, to carry out its responsibilities to administer and enforce the statutes affecting our waterborne foreign and domestic commerce.

H.R. 1006 authorizes the appropriation of $17,974,000 for the Commission for fiscal year 1992. This amount is identical to the administration's budget request.

It is an increase of $2,080,000 over the fiscal year 1991 authorization and appropriation. This increase will fund higher personnel costs, building rent, and other administrative costs.

Fiscal conservatives will be pleased to hear that, in fiscal year 1990, the FMC collected in excess of $25 million in fines and penalties—160 percent of its budget.

In the first 7 months of fiscal year 1991, over $21 million has been collected—135 percent of its budget. How many Federal agencies collect more revenues than they spend?

On May 2, 1991, the Committee on Merchant Marine and Fisheries marked up H.R. 1006, and unanimously ordered it reported to the House.

The bill also authorizes the Secretary of Transportation to issue certificates of documentation in the coastwise trade of the United States for a number of privately owned vessels.

Mr. Speaker, I reserve the balance of my time.

Mr. RAVENEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1006 the fiscal year 1992 authorization of appropriations for the Federal Maritime Commission.

H.R. 1006 authorizes $17,974,000 for fiscal year 1992. This funding level, which is identical to the administration's budget request, represents an increase of $2,080,000 over the fiscal year 1991 appropriation. This increase in funding authority will take care of additional personnel costs, the rent for the building that houses the agency, and other administrative costs.

The Federal Maritime Commission [FMC] is the independent regulatory body that administers a number of important shipping laws governing both domestic and international shipping activities. The primary responsibility of the FMC is to monitor shipping practices of ocean common carriers, marine terminal operators, shippers, and others involved in shipping activities in the U.S.-foreign commerce. One of the key elements of the agency's activities is to ensure that the tariffs filed with the FMC are honored and that shipping practices are carried out fairly.

As part of the FMC's responsibilities in enforcing these shipping laws, during fiscal year 1990 the agency collected over $25 million in fines and penalties and $155,000 in various fees. These funds, which were deposited into the U.S. Treasury, represent more than $10 million more than the entire appropriation for the Commission for that fiscal year. In other words, Mr. Speaker, the FMC has been making money for the Federal Government and has been helping to offset some of our budget deficit problems.

Mr. Speaker, I would like to take a brief moment to comment on one item contained in the committee amendment under consideration today. The Merchant Marine and Fisheries Committee has considered a number of bills which Members have introduced to allow privately owned vessels to be documented for coastwise privileges. The committee looked at these bills and determined that there are good reasons to provide legislative authorization to allow the vessels involved to be documented.

One vessel included in this legislation is the fishing vessel *Billfish*. The owner of this U.S.-built fishing vessel has been unable to supply evidence to the Coast Guard of the complete chain of title for this boat. Without that evidence the Coast Guard is not able to grant the appropriate documents to enable the boat to accept passengers for hire. I introduced the original legislation on the fishing vessel *Billfish* and I am delighted to see it included in this committee amendment.

I urge all of our colleagues to join Chairman JONES and myself in supporting H.R. 1006. This is a good bill; it reflects the wishes of our President in the terms of the budget; and it should be enacted.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the FMC's primary mission is to ensure an equitable trading environment for all parties in our ocean trade. The agency seeks to eliminate discriminatory or unfair trade practices which are detrimental to both U.S.-flag ocean carriers and exporters and importers in our foreign trade.

As an example, earlier this month, the FMC announced success as a result of its investigation into the controversial Japanese harbor management fund. U.S.-flag carriers had alleged that they paid a disproportionate share into this fund and received no benefits from it.

The Federal Maritime Commission invoked its authority under the Foreign Shipping Practices Act—a law that I authored in 1988 to combat discriminatory practice against our carriers by foreign entities.

As a result of the FMC investigation and the prospects of sanctions under the act, Japan will significantly modify the fund, use the levies for genuine maritime purposes that benefit all carriers, and stop collecting it altogether in the near future. I congratulate the FMC for its aggressive use of the Foreign Shipping Practices Act and section 19 of the Merchant Marine Act of 1920.

The FMC also is vigorously pursuing remedies to combat unfair restrictions United States carriers currently face doing business in Korea. I encourage the Commission in these endeavors. Next month, a high level United States Government delegation will visit Korea for discussions with maritime officials there. I sincerely hope that the Government of Korea will take this opportunity to announce the elimination of these discriminatory restrictions on United States-flag carriers doing business in that country.

Mr. Speaker, H.R. 1006 has the unanimous support of the members of the Committee on Merchant Marine and Fisheries and the full support of the administration. The bill deserves the support of this House, and I urge its passage.

□ 1240

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1006, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1006, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

J.E. "EDDIE" RUSSELL POST OFFICE BUILDING

Mr. MCCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 674) to designate the U.S. Post Office located at 304 West Commercial Avenue in Monterey, TN, as the "J.E. 'Eddie' Russell Post Office," as amended.

The Clerk read as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "J.E. (Eddie) Russell Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the J.E. (Eddie) Russell Post Office Building.

SEC. 2. TECHNICAL CORRECTIONS.

Title 39, United States Code, is amended—

(1) in section 3001, by redesignating the 2 subsections immediately following the first subsection (i) as subsections (j) and (k), respectively; and

(2) in section 3005(a), by striking "section 3001(d), (f), or (g)" each place it appears and inserting "3001(d), (h), or (i)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill passed the Senate on March 14 of this year and a companion bill—H.R. 966—was introduced by our colleague from Tennessee, Congressman BART GORDON.

Naming the post office building located at 304 West Commercial Avenue, Monterey, TN, as the "J.E. (Eddie) Russell Post Office" would be a fitting tribute to a man who began a career with the U.S. Postal Service as a letter carrier and ended that career, almost 20 years later, as the Monterey, TN, postmaster.

Mr. Russell's love for the postal service did not stop at the end of a hard days' work. Eddie Russell was an active member of the Tennessee chapter of the National Association of Postmasters and served, with distinction, as the vice president of this organization for 3 long years. The Postal Service has lost a valued employee with Mr. Russell's untimely death. It would be a fitting tribute for the post office building in Monterey, TN, that Mr. Russell was instrumental in getting for the community, to bear his name.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority has unanimously approved this legislation.

Mr. MCCLOSKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation pays tribute to fine servant of the people of Tennessee and of the United States.

Mr. Speaker, many people worked hard to bring this bill to fruition, and I want to compliment and thank all those who assisted, particularly the chairman of the committee, Mr. CLAY; the ranking member, Mr. GILMAN; and the ranking member of the Postal Operations Subcommittee, Mr. HORTON.

I especially want to thank the chairman of the Postal Operations Subcommittee, the gentleman from Indiana [Mr. MCCLOSKEY] and his fine staff as well as the staff of the committee.

And I want to praise the people of Monterey, TN, for suggesting the renaming of their post office and for working to bring it about.

Mr. Speaker, Eddie Russell was a career postal employee who worked hard for many years to serve the people of his community, his State and his country. Eddie Russell saw that his community needed this post office, and he is credited with being instrumental in obtaining the new building.

The old post office in Monterey had fallen into very bad repair. The roof failing, and water poured in when it rained. More than once, mail got wet. Mr. Russell felt that it was his responsibility to protect the mail, and he worked diligently to fulfill that responsibility.

Finally, Mr. Russell's work paid off, and a new post office building was begun. But, tragically, he was stricken with bone marrow cancer while construction was in progress. He died before the facility he had worked so hard to bring about was completed.

The people of Monterey thought so much of their late postmaster that they organized a petition drive in support of naming their new post office in his honor, and they brought their interest to the attention of their elected representatives.

Eddie Russell was a native of Carthage, TN. He attended Cumberland College in Lebanon, TN. He was a member of the Mount Tabor Missionary Baptist Church.

He was employed by the Upper Cumberland Electric Membership Cooperative in Carthage, TN, for 6 years, but physical injuries forced him to leave a promising career with the cooperative.

He went to work for the Postal Service, first in Carthage, then as Postmaster in Baxter, TN, and finally as Postmaster in Monterey, TN, until his life was cut tragically short.

Mr. Speaker, let us go forward and pass this bill naming the Monterey post office in honor of Eddie Russell, a dedicated servant of his community and an outstanding employee of the U.S. Postal Service.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MCCLOSKEY] that the House suspend the rules and pass the Senate bill, S. 674, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to designate the building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service as the 'J.E. (Eddie) Russell Post Office Building,' and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 674, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FEDERAL EMPLOYEE REDUCTION-IN-FORCE NOTIFICATION ACT

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1341) to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to a reduction in force, as amended.

The Clerk read as follows:

H.R. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Reduction-in-Force Notification Act".

SEC. 2. NOTICE REQUIREMENTS.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1) (A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

SEC. 3. APPLICABILITY.

The amendment made by section 2 shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. KANJORSKI].

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1341, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1341, the Federal Employees Reduction-in-Force Notification Act requires the Federal Government to provide Federal employees a minimum of 60-day advance notification of a reduction in force.

During the 101st Congress, the Subcommittee on Human Resources held several hearings on the impact of base closures on civilian personnel. During those hearings, witnesses testified that in order to accommodate and place separated employees in Job Training Partnership Act programs they need at least 2 months notification. I believe Federal employees who will lose their jobs deserve a minimum 60-day requirement.

Currently, the Code of Federal Regulations requires agencies to notify employees 30 days in advance of a reduction in force. During subcommittee hearings this past April, the General Accounting Office [GAO] testified that a majority of Federal agencies provide written notice 60 days in advance of a RIF. Under current regulation, agencies can provide a general RIF notice to employees 60 days in advance but not actually inform the employee they will be let go until 10 days before separation. This is unacceptable. The reason for advance notification is so that employees can receive the benefits of placement and training programs. Ten days is not sufficient. H.R. 1341 provides a specific notice 60 days in advance of being separated.

Let me remind my colleagues that requiring a 60-day notice to employees who are about to lose their jobs is not

a novel idea. It is already the law of the land when it comes to most businesses in the private sector. When Congress earlier enacted plant closing legislation, we all understood that providing 60 days advance notice to employees about to be laid off was one of the act's major provisions. The bill we have before us today simply extends this basic principle of fairness and decency to the Federal Government and its employees.

The General Accounting Office [GAO] reviewed advance notification policy in its study entitled, Plant Closing—Limited Advance Notice and Assistance Provided Dislocated Workers. This study of private sector advance notice practices between 1983 and 1984 found that "several major business associations and labor organizations agree that workers dislocated by closures and layoffs need time to adjust to the trauma of job loss and to help facilitate transition to reemployment." According to the study, advance notice:

First, provides time to plan and implement programs to help workers adjust to their dislocation and find reemployment;

Second, increases worker participation in adjustment programs; and

Third, improves the efficiency and effectiveness of adjustment programs by helping dislocated workers find comparable jobs more quickly.

The fact that an employee may have worked for the Federal Government rather than for the private sector does not alter the impact of dislocation on the employee, the employee's family, or the community in which the employee lives.

Considerable research has been done on the issue of dislocation. Virtually everyone who has looked at the problems associated with dislocation has agreed on the importance of early notice to workers of impending dislocation.

It should also be noted that, unlike many private sector businesses, the Federal Government almost always has the ability to accommodate the need of its employees for a 60-day notice period. Private companies, responding to rapidly changing economic needs, are limited in their ability to foresee events. Federal agencies, however, are typically aware of impending reduction-in-force actions well in advance of the date of employee release. Typically, meeting a 60-day notice requirement will not require any additional delay in the agency's planned reduction. To the extent that an agency may need to respond quickly to events that were not reasonably foreseeable, H.R. 1341, as reported, authorizes the President to waive the 60 days' notice requirement.

Mr. Speaker, I urge my colleagues to vote for H.R. 1341.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1341, a bill requiring that a Federal employee be given at least 60 days' notice before being released due to a reduction in force.

Present regulations affecting Federal employees require agencies to notify employees, in writing, 30 days in advance of a reduction in force.

The Committee on Post Office and Civil Service passed this bill after extensive hearings conducted by the Subcommittee on Human Resources. Being affected by a reduction in force is an extremely frightening and disruptive event in the lives of employees. In order for these employees to participate in job training and placement programs, it is necessary to give RIF'd employees at least a 60-day notification. The provisions of this bill are applicable to all Federal reductions in force, large or small.

Mr. Speaker, I would like to extend my appreciation to the gentleman from Pennsylvania [Mr. KANJORSKI], chairman, Subcommittee on Human Resources, and to Chairman CLAY of the Committee on Post Office and Civil Service for their untiring efforts to bring this bill to the floor.

The Omnibus Budget Reconciliation Act of 1990 [OBRA] requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. H.R. 1341 affects a mandatory program and therefore is subject to the pay-as-you-go requirements of OBRA. However, OMB's preliminary estimate is that the bill will not increase direct spending and therefore has a zero pay-as-you-go effect.

I urge my colleagues to support H.R. 1341.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the very distinguished ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I previously strongly supported initiatives requiring employee notice in the case of layoffs and plant closings in the private sector. I want to commend both the distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY] and the distinguished chairman of the Subcommittee on Human Resources, the gentleman from Pennsylvania [Mr. KANJORSKI] for their diligent work on behalf of all of our Federal employees.

It is ironic that the Federal Government does not extend such advance requirements to its own workers. While the Office of Personnel Management opposes this legislative measure, I am pleased to learn that OPM is in the process of issuing regulations similar in nature. Federal workers should not be without this basic necessary protection.

Under the proposed OPM guidelines, agencies will have to provide employees with at least 60 days written notice prior to a reduction in force when 50 or more employees are to receive separation notices in the same competitive area. The 60-day requirement would not apply in situations caused by an immediate shortage of funds or other unforeseeable circumstances, or when fewer than 50 employees are being separated.

An agency would be able to meet the 60-day reduction-in-force notice requirement either by issuing a general notice which is followed by a specific notice, or by issuing a 60-day specific notice. At present, agencies are required to give employees at least 30 days advance written notice prior to a reduction-in-force action.

While I commend OPM for issuing these proposed regulations, I believe this House should nevertheless proceed through the legislative route. I do not question OPM's intentions; however, regulations can be withdrawn or modified at the discretion of the executive branch. In addition, the proposed legislation applies to all reductions in force, not merely those affecting 50 or more employees. In addition, this threshold is applied to RIF notices, not separation notices. Finally, H.R. 1341 requires that a specific notice be sent to the employee at least 60 days before the RIF begins. The OPM regulations only require a 60-day general notice.

Mr. Speaker, while I believe OPM is headed in the right direction with regard to this issue, I believe it is more prudent for this body to follow the legislative path. Accordingly, I urge our colleagues to join in support of this legislation.

Mr. KANJORSKI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. KANJORSKI] for yielding to me.

Mr. Speaker, I am particularly pleased to support H.R. 1341, which provides additional job protection to Federal employees by requiring notification of State agencies and Government officials and by requiring 60-day written notice before an employee may be released due to a reduction in force, when conditions are reasonably foreseeable.

If anything, this measure is tardy in bringing the Federal Government in line with the requirements Congress

has placed on the private sector and helps assure that we will keep and attract a superior labor pool at a time when the competition for talent is fierce.

Reductions causing job loss are extremely traumatic. The least any employer should be expected to do is to mitigate the harshness of layoff by affording the opportunity to take offsetting actions. Federal workers serve our country honorably. Increasingly, they are paid less than their private sector counterparts. The very least we should do for these dedicated employees is to assure that their treatment in the workplace is as close as possible to the treatment afforded the private sector.

This bill provides Federal employees with much needed improvements. I was happy to support it in committee and am happy to support it here today.

Mr. Speaker, again I thank the distinguished chairman of the full committee, the gentleman from Missouri [Mr. CLAY] and the ranking member of the full committee, the gentleman from New York [Mr. GILMAN], and the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. KANJORSKI], for moving to modernize Federal requirements in this important way.

Mr. MORAN. Mr. Speaker, I would like to rise today in support of H.R. 1341, the Federal Employee Reduction-in-Force Notification Act.

Mr. Speaker, increasingly over the next decade, we will come under budgetary contraints that will force us to reduce the size of our Federal Government. While this process may be inevitable, we can take a very positive step by ensuring that those employees who are laid off from the Federal Government under a reduction in force are given ample notice.

Chairman KANJORSKI has taken an important step to ease the blow for the Federal workers due to be reduced in force by extending the notification process from 30 days to 60 days. This extension is necessary because it is becoming so difficult for these displaced Federal workers to find similar employment in the Federal service. While the administration may be justified in its attempts to reduce the size of the civil service, certainly it has the luxury of showing compassion for those workers displaced. Rarely in the Federal Government is an agency forced to reduce its manpower or close a department's door at a moment's notice. Federal agencies have the luxury of knowing their budgets and of knowing in advance where cuts may be made. The Federal agency is thus in a position to alert its workers and ensure that all have ample opportunity to find suitable employment.

Again I support H.R. 1341 and I urge all of my colleagues to vote yes for Federal workers and yes on the Federal Employee Reduction-in-Force Notification Act.

Mr. HORTON. Mr. Speaker, as a member of the Subcommittee on Human Resources and a cosponsor of this bill I want to commend Chairman KANJORSKI for the introduction of this important legislation and announce my unequivocal support for H.R. 1341, the Federal Employee Reduction-in-Force Notification Act. The bill would require that a Federal employee be given at least 60 days written notice before being released due to a reduction in force.

H.R. 1341 will allow employees the opportunity to prepare for the personal disruption that can follow the loss of employment. I am deeply concerned about equitable treatment for RIF'd Federal employees, who may be ill-prepared for the current job market, and the uncertainty it presents.

I support extending this humane protection for Federal employees, their families, and their communities. The unique nature of employment with the Government, and the inability to translate Federal work skills to the private sector, make enactment of a 60-day notification period essential, practical, and compassionate.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. KANJORSKI] that the House suspend the rules and pass the bill, H.R. 1341, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL FACILITIES COMPLIANCE ACT OF 1991

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, as amended.

The Clerk read as follows:

H.R. 2194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Facilities Compliance Act of 1991".

SEC. 2. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines. The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local solid waste or hazardous waste regulatory program."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsections:

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in the Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

SEC. 3. DEFINITION.

"(a) PERSON.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end the following:

"SEC. 6005. DEFINITION OF PERSON.

"For the purposes of this Act, the term 'person' wherever used in this Act, shall be treated as including each department, agency, and instrumentality of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act of 1991, a bill introduced by my colleagues DENNIS ECKART of Ohio and DAN SCHAEFER of Colorado.

Mr. ECKART and Mr. SCHAEFER deserve special commendation for their remarkable record of perseverance and patience over the past three Congresses in their efforts to restore environmental accountability at Federal facilities.

Both of these gentlemen have diligently pursued enactment of this legislation in spite of the numerous obstacles placed in their path by the Departments of Energy and Defense, and they have consistently demonstrated their willingness to work with the administration and the minority members of this committee to overcome these obstacles.

This legislation has had a long and complex history.

In 1976, Congress mandated that Federal facilities comply with our Nation's hazardous waste laws in the same manner and to the same extent as any other person, including private entities and State and local governments. Unfortunately, at the urging of the Justice Department on behalf of the Departments of Energy and Defense, over a period of time some Federal courts indicated that the waiver of sovereign immunity in the 1976 law was not sufficiently clear.

In 1987, President Bush came to my State of Washington and acknowledged that some of our worst environmental polluters were our Federal facilities and that he would insist "that in the future Federal agencies meet or exceed our environmental standards."

One year later, in 1988, the Energy and Commerce Committee tried to carry out that objective by approving Federal facilities legislation by a vote of 27 to 15.

In 1989, the committee again approved similar legislation by a vote of 38 to 5 and it subsequently passed the House by a vote of 380 to 39.

The legislation before us today which passed the Energy and Commerce Committee by a vote of 42 to 1, is virtually identical to the House-passed legislation in the last Congress. It has three primary provisions—all of which are designed to remove the double standard that now applies to Federal facilities on the one hand and to state and private facilities on the other.

First, it clarifies the sovereign immunity waiver to ensure that States have the right to enforce their hazardous waste laws and RCRA against Federal facilities.

Second, it restores to EPA the right to use administrative orders to resolve regulatory violations at Federal facilities.

Finally, Federal agencies will have the opportunity to confer with the EPA Administrator before any administrative order becomes final.

I would say to my colleagues that what we are doing here is not unique with regard to Federal compliance with environmental laws. In fact, the language of this bill is similar to provisions that are already in the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act.

The need for the legislation is obvious. If DOD and DOE had been complying with the law, environmental disasters like the Hanford Reservation in my home State of Washington might never have happened. Without this bill, I'm afraid they will continue to happen.

This bill has widespread support. For example, it has been endorsed by the National Governors' Association, the National Conference of State Legislators, the League of Cities, the National Association of Attorneys General, and the Shipbuilders' Council of America, as well as organized labor and all of the major environmental organizations—I would here like to submit for the RECORD a list of those organizations. Our subcommittee hearings this year, as well as those held during the 100th and 101st Congresses, clearly revealed the depth of that support and the need for legislative action.

It is indeed regrettable that we are considering this legislation for yet a third time. I can only express my hope that it will be the last time. I am confident that the will of this committee and the House, as reflected in the overwhelming votes on nearly identical legislation in the last Congress, and, hopefully our vote here today, will send a clear message that it is time to eliminate the environmental double standard that the Federal Government continues to hide behind.

I urge my colleagues' support for the bill.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Washington [Mr. SWIFT] for his leadership in bringing this issue to the House floor. I also want to recognize the efforts of the gentleman from Ohio [Mr. ECKART] and the gentleman from Colorado [Mr. SCHAEFER] to remedy current shortcomings in Federal facilities environmental compliance.

I have been a consistent supporter of this legislation because I believe the Federal Government has an unquestionable obligation to comply with its own environmental laws. The historic failure to meet that obligation demands congressional action. That, Mr. Speaker, is what we are doing here today.

This legislation gives to the States and the Administrator of the Environmental Protection Agency the tools needed to ensure that Federal facilities are treated on an equal basis with the private sector. It allows the EPA to issue unilateral administrative orders to Federal facilities to comply with RCRA, the Resource Conservation and Recovery Act. It also allows States to impose fines and penalties on Federal agencies that violate environmental laws, just as is the case with the private sector.

The committee has reported this legislation with two small but important amendments. The first amendment clarifies that Federal employees are not themselves subject to civil liability under RCRA for acts performed within the scope of their official duties.

The second amendment clarifies that the Federal Government may pay nondiscriminatory fees for State oversight costs, without the fees being considered unconstitutional taxes.

Just as this legislation grants States new rights to enforce environmental laws against Federal facilities, it carries with it a corresponding duty, incumbent upon State officials, to act responsibly in exercising those rights. The committee identified several areas where existing environmental regulations do not seem to fit the types of facilities or wastes subject to this legislation. In many instances, regulations were developed with no thought that they might someday be applied to enforcement situations made possible by this legislation.

Our subcommittee hearings brought to light several of these issues, commonsense issues really, and I want to review them briefly. First, we should treat military vessels like private vessels when it comes to hazardous waste manifesting. Unless amended, the legislation we are considering today would subject military and other publicly operated vessels to RCRA generator, transporter, and storage requirements for the wastes generated and held on board until the vessel reaches port, but private vessels enjoy an exemption from hazardous waste laws until such time as the vessel reaches port and the waste is off loaded. At a minimum, military vessels demand as much equal treatment as civilian ships. Laws already exist that prevent ocean dumping, and the U.S. Navy is entirely willing to comply with those laws. It will be enough to invoke RCRA regulation when our ships return from their long voyages and discharge their

wastes on shore. They should not be treated as a hazardous waste storage facility while they are out at sea, particularly when private vessels are not subject to the same kind of regulation.

Second, EPA should develop alternative RCRA regulations for wastes that are unique to the military, like ordance and munitions. Regulations intended to apply to industrial processes may not make sense when applied to military munitions. Requirements under RCRA will have to be modified to accommodate the very special requirements of military munitions. For example, military bomb disposal units are called upon to defuse or dispose of unexploded bombs almost on a weekly basis. Moving these explosives, or detonating them in place may trigger status as a RCRA transporter or disposer. If RCRA regulations lead to greater hazards for bomb disposal units, then clearly they must be modified.

This is not just a joke, I say to my colleagues. There are two situations where local authorities sought to apply RCRA regulations to bomb disposal.

Third, we should treat Federal sewage treatment works like publicly owned treatment works for purposes of RCRA jurisdiction. Publicly owned wastewater treatment works [POTWS] currently have complete RCRA exemption, as they are regulated under the Clean Water Act [CWA]. Largely because federally owned treatment works [FOTWS] were not intended to qualify for the CWA Grant Program, they were excluded from the definition of a POTW. As a result FOTWS are not included in the RCRA exemption for POTWS. One of the strongest arguments put forth by the authors of this legislation is that it puts federally owned facilities on an equal footing with their private sector and State owned counterparts. Fairness alone demands that these facilities be treated as equivalent to municipally owned facilities.

Fourth, EPA should revisit RCRA regulations dealing with storage, inspection and testing to account for radiological hazards to workers dealing with so-called mixed waste that is both radioactive and hazardous. Specifically, compliance with present RCRA requirements relating to the frequency of inspections, the spacing of containers and waste analysis methods, could result in greater worker exposure to radiation, clearly an anomalous and undesirable result of this legislation. Surely RCRA requirements can be modified to accommodate the need to reduce worker exposure to radiation, while still protecting the environment.

□ 1310

And finally, we must confront head-on the painful reality that we simply do not yet have the technology to treat some types of mixed waste. We must develop a nationwide approach to developing treatment technology, building the required facilities and safely storing wastes in the interim.

As I have identified these issues, I believe each raises a legitimate concern that Congress needs to address.

We understand the questions of jurisdiction brought about by this legislation. We are willing to work with them, but we should not let jurisdictional matters determine whether or not the legislation is perfected to the extent that it does the job that we want it to do, and does not have in it anomalies and inconsistencies that would result in not doing the job, or litigation, and not cleanup.

At the committee markup, I engaged in two colloquies, one on the issue of military vessels and one on the remaining four issues, with the gentleman from Washington State, Mr. SWIFT, along with the chairman, Mr. DINGELL, and the ranking member, Mr. LENT. In those colloquies, I understood the gentleman from Washington to indicate his commitment to consider the vessels issued at the appropriate time in this legislation, and to consider the remaining issues in the RCRA reauthorization process. I would ask the gentleman from Washington if my understanding is correct?

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I can assure the gentleman from Pennsylvania [Mr. RITTER] that I am most willing to work with him on this problem. I am willing at the appropriate time to consider language in the context of this legislation that is carefully drafted to address the specific problems the gentleman raises.

Mr. RITTER. Mr. Speaker, I thank the gentleman from Washington. I again thank him for his consistent leadership on this issue. I would also hope that some of these outstanding issues could be settled in the House-Senate conference.

I thank the gentleman and look forward to working with him on these issues in this bill and in RCRA reauthorization. With the assurances of my esteemed colleague that he will fully address the outstanding issues raised by this legislation, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. Speaker, I rise to engage my colleague from Washington [Mr. SWIFT], the chairman of the subcommittee, in a colloquy.

On June 6, 1991, Leo Duffy, Director of the Department of Energy's Office of Environmental Restoration and Waste Management testified before a joint meeting of two Armed Services Committee panels that it is impossible for DOE to comply with the land disposal restrictions of the Resource Conservation and Recovery Act, section 3004(j), which prohibits the storage of hazardous wastes except to allow the accumulation of sufficient quantities to facilitate proper recovery, treatment, or disposal. Mr. Duffy testified that the Department has identified over 25 discrete mixed radioactive hazardous waste streams for which no available treatment technology exists, and for which the development of appropriate treatment technology may take 10 or more years. In addition, the Department has identified over 250 discrete waste streams for which there is either inadequate capacity for the treatment of existing volumes of stored wastes and newly generated waste, or for which identified technology exists but requires demonstration, permitting, or other actions to meet Federal and State requirements before it can be applied.

As the gentleman knows, I had intended to offer an amendment to require that the Environmental Protection Agency develop a national compliance plan to make it possible for the Department of Energy to come into compliance with section 3004(j) without subjecting the Department to fines and penalities for problems that are beyond the ability of the Department to solve using current technology.

Mr. SWIFT. Mr. Speaker, if the gentleman will yield, I appreciate the gentleman's cooperation and support in this process. I understand the gentleman beleives section 3004(j) presents the Department of Energy with problems concerning the storage of mixed waste. I must note that this issue is a very complex one, over which there is much debate, and an adequate legislative record on the issue has yet to be made. I can assure the gentleman that our committee will give serious and fair consideration to all the questions raised by the mixed waste issue. I am prepared to hold a hearing in the coming months solely on this issue to fully explore the Department's concerns within the legislative context of the comprehensive RCRA reauthorization, which will occur this Congress.

Mr. SPRATT. Mr. Speaker, I thank the chairman for his commitment to hold a hearing on mixed waste issues and to consider revising current law during the process of reauthorizing RCRA.

In addition to the concern about storing and disposing of mixed wastes, I would like to ask the chairman to address a second issue raised by Mr. Duffy during testimony before the Armed Services Committee. DOE is concerned that it cannot comply with occupational radiation exposure standards established pursuant to the Atomic Energy Act without violating the requirements for managing mixed waste

in accordance with the Resource Conservation and Recovery Act.

According to Mr. Duffy, DOE is evaluating approximately 700 mixed waste streams that must comply with both AEA and RCRA. Among the problem identified by the Department are: First, the need to store mixed transuranic waste in densely packed configurations that do not comply with RCRA, in order to increase radiation shielding and consequently reduce radiation exposures to inspectors and workers; and second, the impossibility on monitoring, characterizing and handling liquid, high-level radioactive mixed waste in tanks using the procedures established under RCRA, without undue occupational radiation exposures.

Mr. SWIFT. If the gentleman will yield further, Mr. Speaker, it certainly is not the intention of the committee that RCRA requirements should expose workers to unsafe levels of radiation. In fact, section 1006(a) of RCRA—that is the current law—prohibits the application of any RCRA requirement which would be inconsistent with the Atomic Energy Act.

Nothing in this chapter shall be construed to apply to (or to authorize any State, interstate, or local authority to regulate) any activity or substance which is subject to the * * * Atomic Energy Act * * * except to the extent that such application (or regulation) is not inconsistent with the requirements of such Acts.

The committee encourages the Department of Energy to notify the Environmental Protection Agency of any RCRA requirement which is resulting in any DOE workers being exposed to unsafe levels of radiation—I note the Department of Energy has yet to notify EPA of any such circumstance—and to work with EPA in resolving any such inconsistencies, as RCRA provides.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his clarification of this issue.

Mr. RITTER. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], who has distinguished himself in leadership on this issue.

Mr. SCHAEFER. Mr. Speaker, it was not long ago that I stood on the House floor with members on the Committee on Energy and Commerce, and we were all congratulating each other on a job well done. This was after seeing the landmark clean air legislation that so many members had put so many hours in, and that passed overwhelmingly.

But as I and many of those same colleagues witness what will likely be an equally convincing vote for the environment, we know today's celebration will be altogether different. Because unlike amendments to the Clean Air Act, we can take little pride in passage of H.R. 2194. Its very necessity can best be termed regrettable.

For the Federal Facilities Compliance Act states what should already be obvious: That the Federal Government is expected to abide by the same environmental laws it imposes on others. This "do as I say, and as I do" legislation merely extends the right, States currently have to levy fines and penalties against private companies to Federal entities as well for violations of the Nation's waste disposal laws. It is simply a matter of fairness: That those failing to comply with the law be subject to enforcement actions, Federal agency or otherwise.

Not surprisingly, the Departments of Energy and Defense continue to oppose this common-sense initiative. They have grown all too accustomed to the double standard they currently enjoy, allowing the Federal Government to violate environmental laws relatively free from retribution. This unaccountability has left the Nation with a legacy of contamination and the American taxpayer with the staggering costs of cleaning it up.

They are costs that have reached monumental proportions. Estimates of $200 billion to clean up the Nation's Federal facilities are common and likely conservative. While H.R. 2194 can do nothing to reduce this liability, it can ensure that the mistakes of the past are less likely to recur. After all, there is no better way to prevent tomorrow's contamination than to comply with the environmental laws of today. That is the underlying reasoning of this legislation.

Fortunately, it is logic we in the House understand. On two occasions in the 101st Congress we adopted similar measures, by 380 to 39 and voice vote respectively. Approving H.R. 2194 today will once again send a resounding message to the other body—that we remain steadfastly committed on a bipartisan basis to environmental compliance at our Federal facilities.

Mr. Speaker, support for H.R. 2194 is widespread. Just last week we were pleased to add Governor Wilson of California to the growing list of advocates. Like us, they won't look back at passage of the Federal Facilities Compliance Act with pride for what it accomplished. But years from now, we can all be pleased with what the legislation prevented.

□ 1320

It is unfortunate that we have to pass legislation like this, Mr. Speaker, because our Federal facilities should be in compliance with our various environmental laws.

I would like to say that I greatly appreciate the gentleman from Ohio [Mr. ECKART] for his long work in this particular area, particularly a lot of the staff as well, David Eck of my own staff, and the various people who have worked on this legislation to try and make sure that the States have the ability now to issue fines and penalties against any Federal entity who violates our clean air, clean water, or any other environmental law.

I would urge the support of H.R. 2194 and hope that we have a good, swift passage on this and we get it to the President's desk as soon as possible.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. RAY] who is the head of the Defense Environmental Restoration Panel of the Committee on Armed Services.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, House bill H.R. 2194 represents a slight improvement over legislation that was considered in the last Congress; however, the fact remains that the concept is not in the best interest of the Nation and may only serve to further the States' dismal record of using any financial leverage they have.

My strong objection remains—State administrative fines and penalties, if applied to cleanup activities, could destroy the national worst-first cleanup strategy now being carried out by the Department of Defense.

I think it is unrealistic to expect that any reasonable DOD cleanup strategy will satisfy every State, and I fail to see how fines and penalties are going to promote—rather than hinder—a rational cleanup program.

I spent several years of service in municipal and local government, and I can attest to the horror stories of inadequate landfills that will dismay the public if any when the Environmental Protection Agency [EPA] and State enforcement agencies begin to fulfill their charters to clean up the environment. Until then, my several years of working with DOD and EPA convince me that DOD's Federal facilities are years ahead of other public sector entities.

This is the decade of the Environment, yet Congress appears to be less willing to increase funding for the Defense environmental restoration account than in years past.

There is also an increasing concern about the management of the cleanup program, combined with a disappointment that there is little to show for almost $4 billion expended on DOD cleanups to date.

We can no longer rely on congressional add ons to avoid facing difficult choices on cleanup priorities in the future.

The resulting scramble for dollars will be difficult to control, and the outcome may have little to do with environmental importance or merit.

I am also concerned about the absence of any limitation on the total amount of State administrative fines and penalties that can be assessed under the legislation. DOD has esti-

mated its potential financial exposure to range between $250 million and $15 billion over the next 15 years.

Some claim that the States have no intention to be unreasonable and harbor no plans to raid the Federal Treasury. However, I remain unconvinced in this respect. I constantly read about the actions taken by States to get operating dollars from any source possible. I must evaluate legislation as we do military threats: On the basis of capability as well as intent.

In addition to my previous concerns about this legislation, I have become more aware of the fact that the standards that Federal facilities must meet are often much more stringent than any other public or private regulated entity.

This issue came up earlier this year when I participated in a State leadership conference in my district where there were extensive discussions about the environmental problems at Georgia military bases.

Conference participants included municipal leaders, private businessmen, and senior managers from State and local government agencies. When we finished, there was agreement on one thing: Not one of the participants wanted his municipality, business, or agency to be regulated like a Federal facility.

In the near future, I intend to make a comprehensive review of Federal facility regulatory requirements to determine the nature and extent of this inequitable treatment.

It looks like we are asking the Federal taxpayer to foot the bill for retail regulation, while everyone else is paying wholesale.

I strongly object to such an inequity. If more stringent RCRA requirements are good enough for Federal facilities, they should be applied to everyone else. If they are overbroad and harmful, then we should not force them upon anyone. Congress should not be arguing for equity in enforcement mechanisms, while seeking to maintain discriminatory regulatory practices.

With a declining DOD budget, we are all concerned about how to balance military, economic, and political considerations during the Nation's largest peacetime military builddown in our history. Putting significantly more environmental programs into a diminished defense budget is bound to involve some painful tradeoffs. Obviously, these tradeoffs are going to be even more painful if DOD must need more stringent regulatory requirements.

I would also like to point out the multifaceted nature of DOD cleanup and compliance challenges.

These complexities involve the recruiting and retaining of qualified environmental personnel, the conflict and overlap of statutory and regulatory cleanup requirements, the availability of qualified environmental contractors, the suitability of DOD contracting procedures, and the quality of the management of DOD environmental programs. To date, I have not found that fines and penalties are particularly relevant to these problems, much less helpful in finding a solution to them.

In any event, I think that the 4 years Congress has spent debating the issue of the waiver of sovereign immunity under RCRA has been a healthy experience. I know that this debate has caused the Department of Defense and the House and Senate Armed Services Committees to increase their awareness of environmental requirements and how they might be addressed.

I also hope that the environmental committees have developed some sensitivity to DOD's problems and the Department's honest efforts to address them in an effective manner.

While I cannot support H.R. 2914, I am satisfied that this legislation did receive the full and careful consideration it deserved.

At this point I include the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 1991.

Hon. BOOTH GARDNER,
Governor of Washington, Chairman of the National Governors Association, Hall of the States, Washington, DC.

DEAR GOVERNOR GARDNER: This is in response to correspondence I received from Governor Sinner and Governor Bangerter, Chairman and Vice Chairman of the Association's Committee on Energy and Environment, dated April 11, urging me to support the Federal Facilities Act of 1991. My answer has been delayed, for I wanted to have the benefit of a hearing on this legislation before I responded. A joint hearing by the Environmental Restoration Panel and Department of Energy Nuclear Facilities Panel of the House Armed Services Committee was held June 6 to receive testimony on pending Federal Facilities Compliance legislation.

House bill H.R. 2194 represents a slight improvement over legislation that was considered in the last Congress; however, the fact remains that the concept is not in the best interest of the nation and may only serve to further the states' dismal record of using any financial leverage they have.

My strong objection remains that State administrative fines and penalties can be applied to cleanup activities that would be inconsistent with a national "worst-first" cleanup strategy by the Department of Defense (DOD). I think it is unrealistic to expect that any reasonable DOD cleanup strategy is likely to satisfy every State. Also, I fail to see how unilateral enforcement is likely to result in a rational program.

I spent several years of service in municipal and local government, and I can attest to the horror stories of inadequate landfills that will dismay the public if and when the Environmental Protection Agency (EPA) and state enforcement agencies begin to fulfill their charters to clean up the environment. Until then, my several years of working with DOD and EPA convince me that DOD's federal facilities are years ahead of other public sector entities.

This is the Decade of the Environment, but Congress appears to be increasingly unwilling to boost funding for the Defense Environmental Restoration Account (DERA). DOD environmental cleanups are already receiving priority treatment and there must be compelling justification for additional funding. Concern is also increasing about the management of the cleanup program, combined with disappointment that there is so little to show for the almost $4 billion expended to date on DOD cleanups. Also, general agreement is that base closure environmental and cleanup requirements deserve a higher priority.

For all of these reasons, it is unlikely that we can continue to rely on congressional add-ons to avoid facing difficult choices on future cleanup priorities. The resulting scramble will be difficult to control and could end up having little to do with environmental merit.

I am also concerned about the absence of any limitation on the amount of State administrative fines and penalties that can be assessed under the legislation. I recognize that, to date, environmental fines and penalties have not been onerous, and that the States have given assurances that they would be reasonable in exercising increased authority. Nevertheless, I remain unconvinced in this respect. DOD has estimated that its potential exposure to fines and penalties related to cleanup-only requirements in accordance with the Federal Facilities Compliance bills to range between $250 million and $15 billion over the next 15 years. I am certainly not saying that the States intend to raid the Treasury by the assessment of administrative fines and penalties, but I must evaluate legislation—as we do military threats—on the basis of capability as well as intent. I am constantly reading of the actions being taken by local and state governments to get operating dollars from any source possible.

I have also become aware of other problems that need to be addressed by the legislation or through related legislative or regulatory actions. With all the focus on the equity issues of whether Federal facilities should be subject to fines and penalties, we have lost sight of the fairness of the regulation of these facilities. The rules and standards that Federal facilities must meet are often more stringent than any other public or private regulated entity.

The recent DOD hearing confirmed what I had learned earlier this year when I participated in a Georgia Leadership Conference in my District. Interest is high in environmental problems at DOD installations and in my Chairmanship of the Environmental Restoration Panel. Conference participants included municipal leaders, private businessmen, and senior managers in State and local government agencies. All agreed on one thing: Not one of them wanted to be regulated like Federal facilities are regulated.

The municipalities, which somehow escape the same harsh treatment, do not want their landfills subject to regulation as solid waste management units under subtitle C of the Resources Conservation and Recovery Act (RCRA). They do not want their sewage treatment plant sludge subject to RCRA regulation. They clearly wanted the boundaries of their RCRA facilities and National Priorities List (NPL) sites to be defined as narrowly as possible. Also, they agreed that having their RCRA facilities inspected annually is unnecessary. Representatives of the private sector agreed. In short, my constituents do not want their communities or their businesses to be regulated like federal facilities.

Recently, the Marine Corps Logistics Base in Albany, Georgia, became subject to fines

and penalties associated with the disposal of sludge generated by the combination of its treated industrial and domestic sewage effluent into the Flint River. One possible correction involved a multi-million dollar cost. However the solution that was achieved, where the sludge was not regulated under RCRA because of the Publicly Owned Treatment Works (PTW) exemption, was to contract with the local municipality to take the effluent through its system to the Flint River.

Similarly, I don't see the States being any more willing to play by the Federal Facility environmental rules. Not one has suggested that counties be designated as RCRA facilities, even though they contain one or more RCRA regulated activities. Many DOD bases are larger than counties and are so characterized.

Further, I have found that cleanup remedies in States, counties and localities are less stringent than those at Federal facilities. In the District that I represent is at least one NPL site of 16 acres where the remedy was cap and monitor with the surrounding community unable to use its wells and having to wait 12 years for a city water hookup. Citizens, at this time, continue to live under this possible exposure. This would not be tolerated if a Federal facility were involved.

The recent hearing also raised some questions over whether States, localities and private parties are going to identify the problems. For example, the report to Congress on the Defense Environmental Restoration Program for FY 1990 revealed that DOD had identified approximately 25,000 potential hazardous waste sites at over 1,700 active installations and 7,000 formerly used Defense sites. Put these bases together and you have a land mass about the size of Tennessee. By contrast, EPA has identified only about 30,000 other potential hazardous waste sites in the remainder of the United States.

My suspicions were confirmed when EPA testified that it does not have the manpower to investigate potential hazardous waste sites. Instead, EPA relied upon State, local and private sector input. As you can readily see, what is mandatory for DOD is discretionary for everyone else. It almost forces you to think how fortunate those people are who live near a DOD installation.

Brevity requires that I allow myself only one further piece of evidence. We all know that the DOD budget is declining. However, it must meet the nation's most stringent requirements. Yet, some folks want the Federal taxpayer to foot the bill for retail regulation while all others are paying wholesale rates.

We can agree that the lively public discourse on the environment has produced some benefits. It has increased awareness of the issues and how requirements might be met. The subject deserves a full and careful hearing and I am satisfied that will be achieved before final action is taken.

Sincerely,

RICHARD RAY,
Chairman, Environmental Restoration Panel.

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise very enthusiastically in support of the bill.

Mr. Speaker, I rise in support of H.R. 2194, as amended, the Federal Facilities Compliance Act of 1991. I was an original cosponsor of this measure when it was introduced in 1989 and passed during the 101st Congress, and I believe that now, more than ever, the Congress must clarify for the administration what we thought was already clear in the law: Federal facilities are subject to this Nation's environmental laws to the same extent as private entities and State and local governments.

When we say Federal facilities are subject to environmental laws, we mean that Federal facilities are subject to the same substantive and procedural requirements and sanctions, including civil and administrative fines and penalties. We also mean that EPA must have the ability to utilize administrative orders to resolve environmental violations by Federal facilities.

As an oversight chairman, I have seen firsthand the consequences of the unitary executive theory put forth by the Justice Department to justify allowing Federal offenders to employ delay tactics to avoid swift compliance with environmental laws. Investigations by my Subcommittee on Environment, Energy and Natural Resources have shown that chronic environmental problems at Department of Energy [DOE] facilities like the Savannah River Plant, the Fernald Plant, the Hanford Reservation, and Rocky Flats have not been taken care of to the satisfaction of nearby citizens and State environmental officials. Similar situations have been uncovered at Department of Defense [DOD] facilities. Because of this unitary executive theory originated and championed by the Reagan and Bush administrations, EPA's hands are tied. While EPA is expected to aggressively enforce the law against private entities, the administration's policy renders the EPA powerless to issue unilateral orders requiring its sister Federal agencies to clean up. Instead, EPA must resort to grovelling at the feet of the polluting federal facilities to beg for a consent agreement.

This fact is not lost on the polluting Federal facilities who are, at best, disinclined to deal seriously with EPA. It's time that EPA stopped approaching Federal violators with hat in hand and started enforcing the law to the fullest extent.

I might also note that, even though States and citizens groups can sue to force Federal facilities to clean up environmental contamination, the delay tactics employed by Federal violators are time consuming and cost money. It is regrettable that, all too often, precious time and money is spent trying to get the Federal Government to comply with its own laws. As the Nation's biggest and worst polluter, the Federal Government should stop dilly-dallying and start setting an example for private industry to follow.

I have no doubt that, by actually making Federal facilities pay civil and administrative fines and penalties, H.R. 2194 will result in less jawboning and faster clean up actions. And by providing EPA explicit authority to issue unilateral administrative orders against noncomplying Federal facilities, H.R. 2194 will enable EPA to effectively deal with the biggest environmental offender—the U.S. Government. Mr. Speaker, I fully support H.R. 2194 and I urge its swift passage and adoption by the House. They say the third time's a charm—let's work to make it so for the Federal Facilities Compliance Act of 1991.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I would first like to commend the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT] and the gentleman from Ohio [Mr. ECKART] and our colleagues, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Pennsylvania [Mr. RITTER], for their tireless effort on this legislation. Without their leadership, we would not be here today so I thank them all for their assistance.

Mr. Speaker, I rise today in strong support of the Federal Facilities Compliance Act of 1991.

□ 1330

Federal facilities routinely generate, manage, and dispose of millions of tons of hazardous waste including acids, nitrates, radioactive materials, and heavy metals. Yet, in many cases, Federal facilities continue to ignore efforts by the EPA and the States to enforce laws that regulate hazardous waste cleanup. As a result, they are threatening the health of thousands of Americans.

In my home State of Kansas, several Department of Defense facilities have been cited for environmental compliance problems including Fort Riley, Fort Leavenworth, the Kansas Army Ammunition Plant, the Smokey Hills Weapons Range, and the Sunflower Army Ammunition Plant.

Current law simply does not give the State of Kansas or the EPA authority to effectively enforce existing environmental laws when Federal facilities fail to obey the law. It is simply common sense that all hazardous waste, including that generated by Federal agencies, should be handled properly and safely at minimum risk to the environment and minimum cost to the taxpayers. Common sense also demands that all agencies of the Federal Government comply with Federal environmental laws.

We cannot stand by any longer as irresponsible Federal facilities choose when they will comply with the law and when they will not.

I urge my colleagues to pass this important legislation and give our States and the Environmental Protection Agency the authority to enforce our Nation's environmental laws when they are being blatantly violated by Federal agencies.

Mr. Speaker, again, I commend the gentleman from Ohio [Mr. ECKART] and all the others who have been involved in this legislation.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2194.

In my district, we have a radioactive dump. It is known as the Fernald Uranium Processing Plant. For years they made nuclear weapons there, and they just disposed haphazardly of whatever waste they came in contact with.

The DOE has absolutely failed in every respect to do anything about meaningful cleanup at this site. The result has been contaminated water, contaminated farms, contaminated property all around.

H.R. 2194 simply puts a little bit of accountability into the system and gives the DOE a little bit of incentive.

For years it is difficult to identify what incentive DOE has to clean up places like the Fernald Uranium Processing Plant.

I rise in support of the Federal Facilities Compliance Act, and I congratulate the gentleman from Colorado [Mr. SCHAEFER] and my friend and colleague, the gentleman from Ohio [Mr. ECKART] for bringing this legislation to the floor.

Mr. SWIFT. Mr. Speaker, I yield 7 minutes to the coauthor of this bill, the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank my colleague, the subcommittee chairman, and particularly I am thankful to my friend, the gentleman from Ohio [Mr. LUKEN], a new Member who I recall on his first day of swearing in said to me very simply, "Now, are you going to help me get Fernald cleaned up?"

CHARLIE is carrying on in the fine tradition of his father, who worked very hard to rectify the problems there at that facility.

The greed of the 1980's has truly been replaced by the green of the 1990's. That is what this bill is all about.

America is very good at reading labels. We in politics are very good at trying to affix labels to both philosophies and programs about which the American people seem to be paying much closer attention.

It is very clear what the provisions of this bill do. It attaches a very clear, easily understood label to the Federal Government, and it says, as my colleague, the gentleman from Colorado, says, "We are going to make you do as we do with other governmental agencies and other facilities and not simply as we say."

For all too long, the Federal Government has practiced a hypocrisy which says, "Do as I say, not as I do," and has allowed Federal facilities to be the Nation's single leading environmental polluter. This legislation ends that hypocrisy.

We all know the consequences of pollution know no political or, indeed, even geographic boundary. Leaking underground storage tanks, 1 cup of which can pollute an underground aquifer of hundreds of thousands of gallons of fresh drinking water, cause as much damage whether that gasoline leaked from a Federal Government facility or from a neighborhood gas station. Yet, that small business owned on the street corner in Anywhere, U.S.A., would be subjected to the harshest environmental penalties that this Nation can bring to bear, whereas that same gas pump located at a Federal facility can ignore the Nation's Federal environmental laws.

That will end with the passage of this bill. What we are talking about is compliance. We are not talking about the problems that have been suggested by those who will oppose this bill but are simply saying that the Nation's environmental laws which make sense for business and for cities and towns and villages all across this country, that they make sense to us as the Federal Government as well, and that the taxpayers of America should not be financing pollution, and the cost of cleaning up that pollution all at the same time.

We will end this double standard.

Now, what is it that we are talking about requiring the Federal Government to do? In the home State of my colleague from Colorado, we are saying put labels on the drums. In the home State of my colleague from Colorado, we are saying do not stack the drums outside where they can rust. In the home State of my colleague from Colorado, we are saying put something underneath those drums to catch them when they leak.

It is an embarrassment that our own Federal Bureau of Investigation was forced to sneak in under the cloak of night to seize Federal Government records as evidence of pollution because our own Federal Government cannot enforce the Nation's environmental laws against itself.

My colleague from Colorado has stood foursquare for the symmetry in protection of this Nation's environment, but when taxpayers' dollars finance pollution of his own environment, we know the time to end that hypocrisy must be squarely before us.

We believed that we had corrected this problem when we first addressed it in RCRA 5 years ago. Indeed, we have split decisions from different Federal district courts, and now the Supreme Court has agreed to hear the resolution of this case, but heaven forbid that we allow nine unelected individuals make these decisions which we believe we are fully capable of doing and, indeed, did almost 5½ years ago.

We believe that the Nation's environmental laws that are good enough for General Motors should be good enough for generals at the Pentagon. We believe that Uncle Sam must lead the way in preserving and protecting this Nation's environment, not follow, as others have suggested.

The concealment that has occurred of pollution has to end. In fact, we asked both the GAO and the Office of Technology Assessment to take a look at the provisions of the bill to see whether or not, indeed, local governments and State governments have abused the same authority that we will propose to give them under RCRA that they already have under the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act in which States and local governments have the right to enforce those laws against the Federal Government but which are denied under the provisions of a court decision under RCRA. Changes that we will make with the passage of this law.

Our provision says with absolute certitude that the States and local governments will have the right to use the Federal environmental laws as tools to protect the Nation's environment which, indeed, belongs to us all, and that the States and local governments have not abused the powers that they have under other laws which we will extend to them under the provisions of this bill. We truly believe that the damage that the Federal Government has done must come to an end, and that we cannot preach the good word of environmentalism on the one hand and sabotage that environment on the other.

The passage of this bill today will send the clearest and most unequivocal message that the hypocrisy that has gripped the enforcement of the Nation's environmental laws will end, and passage of our legislation today will make that dream a reality.

Mr. SCHAEFER. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Speaker, I appreciate the point that the gentleman is making, that, if I am not mistaken, the CBO estimates were, since 1979, there has been $1 million in fines and penalties assessed across this Nation, which is $100,000 a year, and for those individuals who say that we are going to line the pockets of our States, all they have to do is look back upon this, and I think that is very important, and not only that, the second point I wanted to make is the fact that these dollars that would come out after the passage of this bill for these fines will have to go back into environmental purposes into a State; you cannot use it to build a bridge or to improve a road.

Mr. ECKART. Mr. Speaker, the gentleman is correct. Indeed, the testimony from the EPA and the CBO says, "The penalties have not been unreasonable or excessive," and that during our subcommittee hearings, the EPA Acting Assistant Administrator for Solid Waste and Emergency Response had testified that there was no evidence that existed that State or local governments have abused this same discretion

that they have under every other environmental law except this.

I thank my colleague for drawing that to our attention.

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Mr. SCHAEFER. Mr. Speaker, I thank the gentleman.

Mr. RITTER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL] who happens to be ranking member on the Armed Services Panel dealing with nuclear facilities.

Mr. KYL. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, this legislation is well intentioned, but misses the mark in addressing key issues needed to effectively deal with Federal facility environmental compliance, some of which have been identified by the gentlemen from Pennsylvania [Mr. RITTER] and South Carolina [Mr. SPRATT], and Georgia [Mr. RAY].

For example, Federal facilities, like the Department of Energy and Veterans' Administration hospitals, generate radioactive mixed waste that is currently subject to land disposal restrictions and can not be disposed of unless treated in accordance with EPA standards. Why is this a problem? Because treatment technologies and facilities simply do not currently exist to treat this waste; therefore, the waste can not be disposed of. These are not just leaky gas tanks. Until the technologies are developed and facilities permitted and constructed, storage of the waste is the only environmentally responsible option; indeed it is the only option.

This option is illegal, however, under RCRA. Instead of addressing this impossible situation, H.R. 2194 would subject these governmental facilities to fines and penalties in situations for which no corrective action exists. This simply is unacceptable. We must realize that this problem is truly a technological one that merits serious and focused attention. Public policy demands that specific mixed waste treatment regulations be promulgated now if Federal agencies hope to be successful in their compliance programs. This bill will simply distract important efforts and Federal moneys away from important issues such as developing safe compliant technologies. I urge my colleagues, who will be conferees on the bill, to seriously consider a fair and equitable solution to this matter at that time. The Federal Government must do its part; but there also must be recognition of some of the unique aspects of Federal activities.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, we are all too familiar with the DOE's inability to meet deadlines. Triparty agreements between States, the EPA, and DOE have proven to be meaningless. Federal facilities represent some of the Nation's worst hazardous waste problems. These sites can be found in every State.

The Federal Facilities Compliance Act clarifies that the Federal Government waives its soverign immunity from EPA and State enforcement actions under RCRA. This legislation does not impose any new requirement on Federal facilities nor does it strengthen existing compliance standards. What it does do is to clarify the legitimate role of EPA and State enforcement authorities.

DOE continues to resist enforcement of environmental laws. Prompt passage of this act will give State and EPA regulators the very tool needed to achieve compliance with Federal environmental laws at Federal facilities.

I strongly urge you to vote for H.R. 2194 and to oppose any weakening amendments, should they be offered.

Mr. SWIFT. Mr. Speaker, I yield myself the remainder of the time, simply to make several points with regard to some of the things that have been said here today, just to clarify the record.

First of all, the DOD RCRA compliance rates are fully 10 to 15 percent lower than the private entities, according to data provided by the EPA.

The second point I would make is that there is no evidence in the record that the States have ever been irresponsible with the penalty authority given them under other statutes in Federal law, such as the Clean Air Act.

The worst first prioritization is not endangered by State fines and penalty authority for the simple reason that States already have injunctive relief authority under RCRA which they could use if they so chose to affect the worst first prioritization, and they have not done so.

Finally, saying that fines and penalties should be spent on cleanup instead of enforcement is something devoutly to be wished. I wish that were true consistently even in the private sector, but the fact is there are bad actors and in this instance there are some bad actors in the Federal Government, and if they would simply spend the money on compliance, there would be no need to spend it on fines and penalties.

I would also note that the Federal Government with regularity places fines against States for lack of compliance with various Federal laws, even though States have limited budgets.

Finally, it is well settled that fines and penalties are significant deterrents to noncompliance, the most important reason for giving this enforcement tool to the States.

The bill will save the Federal Government and taxpayers a lot of dollars over the years if it forces the money to go into compliance, which is of course its purpose.

With that, I urge all my colleagues to support this legislation.

Mr. Speaker, I include the following list which was referred to earlier:

National Association of Attorneys General.
National Governors' Association.
The National Conference of State Legislatures.
Association of State and Territorial Solid Waste Managers.
Environmental Action.
Environmental Defense Fund.
National Audubon Society.
National Wildlife Federation.
Natural Resources Defense Council.
Sierra Club.
U.S. Public Interest Research Group.
Clean Water Action.
Friends of the Earth.
Greenpeace.
Izaac Walton League of America.
Mineral Policy Center.
National Council of Churches.
National Toxics Campaign.
American Federation of Labor and Congress of Industrial Unions.
Amalgamated Clothing and Textile Workers Union.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
Building and Construction Trades Department.
Communication Workers of America.
Industrial Union Department.
International Association of Bridge, Structural and Ornamental Iron Workers.
International Association of Machinists and Aerospace Workers.
International Brotherhood of Electrical Workers.
International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.
International Federation of Professional and Technical Engineers.
International Ladies Garment Workers Union.
International Union of Bricklayers and Allied Craftsmen.
International Union of Operating Engineers.
Laborers' International Union of North America.
Metal Trades Department, AFL–CIO.
National Association of Letter Carriers.
United Automobile, Aerospace & Agricultural Implement Workers of America International Union.
United Association of Journeymen and Apprentices of Plumbing and Pipe Fitting Industry of the United States and Canada.
United Brotherhood of Carpenters and Joiners of America.
United Mine Workers of America.
Shipbuilders' Council of America.

Mr. LENT. Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act of 1991, although I believe there are additional areas the legislation must address. It is clear that the Government must improve the environmental record of federally owned and operated facilities. I believe the Government must set the example for full compliance with environmental laws, and this legislation is an important step in attaining the goals.

However, it is only one step, and an incomplete one at that. In its current form, this legislation has not yet achieved its authors' stated goal of putting Federal facilities on an equal footing with other facilities, and it does not re-

solve the dilemma posed by mixed radioactive waste.

I have sought to bring these shortcomings to the attention of my colleagues on the Committee on Energy and Commerce. I believe one of the important outcomes of the Subcommittee on Transportation and Hazardous Materials' recent hearing has been a clearer understanding of the problems the legislation creates in enforcing RCRA regulations on a few particularly troublesome wastestreams. Today, I want to briefly raise these concerns with the rest of my colleagues.

First, the imposition of RCRA requirements at Federal facilities should not pose radiologic hazards to workers. Radiologic hazards are not adequately addressed under RCRA. Historically, they have been controlled by the Atomic Energy Act and other management procedures developed at individual facilities. I do not believe Congress intends for implementation of the RCRA program to conflict with other safety laws.

Second, the existing provisions of RCRA which prohibit the storage of hazardous waste pose an impossible situation for those that manage some types of radioactive mixed waste. At the present time, treatment technology simply does not exist for many types of mixed wastes. Our goal must be the development of necessary treatment facilities and the safe storage of these wastes in the interim. This legislation does not adequately address this pressing issue.

Third, military facilities need rules tailored to the unique safety requirements of handling munitions. Again, we want to ensure that RCRA does not conflcit with training requirements and safety rules and that the production of munitions is not mired in administrative delays during emergency situations like those recently experienced in Operation Desert Storm.

During Desert Storm this country faced the need for a significant increase in TNT production to produce munitions. TNT has a limited shelf life and cannot be stored for long periods. We currently obtain all of our TNT from Canada and domestic production would require the start up of old TNT plants. The permitting and administrative burdens under RCRA would make supply for a significant wartime effort impossible in the shortrun. We should provide the Administrator authority to craft special regulations that contemplate in advance situations like those posed during Desert Storm. We should not let inaction now pose a crisis either for our men in uniform or the environment in the future.

Finally, there is no reason to treat federally owned sewage treatment works any different than those owned by municipalities, or military vessels any different than civilian vessels. The major purpose of this bill is to put Federal facilities on the same footing as other facilities. Yet, should this legislation be enacted in its current form, it ignores existing statutory and regulatory decisions that serve to discriminate against military vessels and federally owned treatment works.

I have consistently stated my support for the goals of this legislation. However, I have often found it necessary to speak in opposition to its passage because of my concerns over its implementation and how that could affect the integration of RCRA with other environmental and safety statutes and the underlying principle of putting Federal facilities on an equal footing with the private sector.

I am, therefore, very pleased that both the subcommittee chairman, my colleague from Washington State, and our esteemed committee chairman have recognized the legitimacy of the issues I raise today. Having communicated the importance of these issues and receiving the commitment of my colleagues on the committee to resolve them either in this legislation or in the RCRA reauthorization, I will be voting in favor of passage of the bill as reported by the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act. As an original cosponsor of this legislation, I would like to commend the sponsors of the bill, the gentleman from Ohio [Mr. ECKART] and the gentleman from Colorado [Mr. SCHAEFER] on their fine work.

The legislation will assure Federal facilities' increased compliance with the Resource Conservation and Recovery Act, better known as RCRA. RCRA regulates the management, treatment, storage and disposal of hazardous waste. Facilities of the Department of Defense and the Department of Energy together generate approximately 20 million tons of hazardous or mixed hazardous and radioactive waste annually.

The legislation before us today will accomplish two goals. First, it will clarify that States have the authority to assess civil fines and penalties against Federal facilities that do not comply with RCRA requirements. Until this time, States have been divided with regard to the authority to levy fines and penalties against Federal facilities.

H.R. 2194 removes this confusion and permits States to assess fines and penalties against such facilities. Currently, municipalities, individuals, and private facilities are subject to paying these fines.

Additionally, the bill explicitly grants the Environmental Protection Agency the authority to bring administrative enforcement actions against Federal facilities. The EPA uses administrative actions for enforcement of hazardous waste regulations. H.R. 2194 would define "person" under RCRA to include each department, agency, and instrumentality of the United States.

When this bill was considered on the House floor 2 years ago, I offered an amendment that was unanimously approved by my colleagues. It required States to use on environmental restoration projects any fines collected for violations of RCRA by a Federal facility. Instead of these Federal taxpayers' dollars going into a State's general treasury to be spent in any manner, as is the current law, I believe very strongly that this money should be returned to the environment.

Mr. Speaker, this is an issue of environmental equity. If States receive money because a Federal facility has harmed the environment through a violation of RCRA, the money collected through fines ought to be returned to the environment in the form of restoration projects.

My provision leaves plenty of flexibility for the State to designate the types of environmental restoration projects, but it does require that the States spend the money on the environment. I am pleased that this amendment was included in the bill before us today.

Finally, I understand the administration has provided the committee with a list of amendments that seek to address Federal facility problems under RCRA. While I strongly support the Federal Facilities Compliance Act, I hope Congress will continue to work with the Department of Energy and the Department of Defense in resolving their concerns.

In conclusion, H.R. 2194 will restore public confidence in congressional efforts to clean up the environment. It will eliminate the current dual standard and, instead, simply subject Federal facilities to the same substantive and procedural RCRA requirements as State and local governments and private companies. It is my hope that this bill will be approved by Congress in a timely fashion.

Mr. DINGELL. Mr. Speaker, as we consider this legislation, I would like to take my colleagues back to when RCRA was last considered by the House. At that point it was understood that the legislation, among other things, accomplished three objectives. First of all it required that the Environmental Protection Agency [EPA] should be able to issue civil orders to other Government agencies. That is in H.R. 2194. It is there because the Department of Energy [DOE] challenged the EPA's interpretation of the statute. It is absolutely essential if EPA is to carry out its proper responsibilities that it have the ability to issue orders to the sister agency. DOE and DOD are enormously recalcitrant in complying with notices of violation.

Mr. Speaker, the second thing it did, which is very important, was permit the assessment of civil penalties against Federal agencies by States. This is nothing new, but because of a split interpretation in the courts in a number of States that issue has come under question. It is no longer clear that the States have the authority to issue those civil assessments or penalties against Federal agencies for their failure to comply with the act. There is nothing new, or startling, in this particular legislation. It is the same authority the States have under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and Medical Waste Tracking Act.

This is the third part: That EPA and the States were going to have the prime and the paramount responsibility in terms of addressing problems of cleanup and compliance. H.R. 2194 makes that clear. This again is nothing new.

Now why is it that we have to take this step? I mentioned that we are returning to the original interpretation of RCRA when it was last considered sanely and sensibly in the House. It should be pointed out that under that interpretation of the law, which also includes injunctive authority, there was no expenditure of money on cleanup programs dictated to agencies by the States out of the ordinary priorities that were set by the DOD, or the DOE or any of the other agencies of the Federal Government. Further, the Congressional Budget Office has determined that:

> Despite the extensive authority available to States under current law, they have not levied a substantial amount of environmental fines on Federal facilities.

What am I saying to my colleagues, Mr. Speaker? I am saying that we should have no hesitancy with regard to this legislation.

Now are there problems? Of course. Almost every Federal agency has areas under its jurisdiction which are Superfund sites. It has been mentioned that DOD has an enormous number of them. That is true, and they are very serious. It has been mentioned that DOE has them, and they are indeed terrifying because we are talking about not only hazardous waste of the most dangerous sort, but we are talking about nuclear waste. We are also talking about mixed waste, substances which defy almost any judgment as to the real peril that they impose upon this society, and we are not just talking about pollution of the air. We are talking about contamination of the soil, pollution of the water, and contamination of the ground water, something which will persist for hundreds of years.

Mr. Speaker, it must be observed here that the peril is enormous. One of the problems has been the absolute recalcitrance of Government agencies, not just the Defense Department, but the DOE and other Federal agencies to comply with the law. They have refused to adhere to the requirements that the Congress has set forth, and, if my colleagues want proof, take a look. They have contaminated the air, the soil, the water, and the subsurface waters. They have misled the Congress about it. They have concealed the facts from the State agencies. They have refused to cooperate in cleanups and their compliance record is far behind that of private industry.

The people of this country who are afflicted with polluted waters, radioactivity in their air, their soil, their subsurface waters, and who are afflicted with hazardous waste in their ground water, have a right to expect that their Government is going to comply with the law and is not going to endanger them by contamination of their environment. This bill will help assure compliance and cleanup by Federal agency polluters.

Mr. SIKORSKI. Mr. Speaker, I rise in support of the Federal Facilities Compliance Act of 1991, authored by my distinguished colleauges, DENNIS ECKART of Ohio and DAN SCHAEFER of Colorado as H.R. 2194.

Mr. Speaker, H.R. 2194 is singularly important to me. I was present at its creation. In 1987, the House Committee on Energy and Commerce held an oversight hearing on this problem of our Nation's disgraceful resistance to the enforcement of environmental laws at its own facilities. From this hearing came H.R. 2194.

In 1987, I described, hopefully, what is now the past:

Years where Minnesota citizens living near the Twin Cities Army Depot had their drinking water wells contaminated—and the Army refused to acknowledge that it caused the problem.

Years where the people of Minneapolis had their drinking water contaminated by the U.S. Navy installation at FMC. Until we changed the law in 1986, the Department of the Navy refused to even submit to a cleanup agreement.

I also look forward to the future. As my colleagues know, when America's hazardous waste law, the Resource Conservation and Recovery Act [RCRA] is reauthorized next year, I intend to offer amendments that will end the era where Federal facilities feel that they have a special privilege to pollute, contaminate, and harm people's health.

Now I would like to speak of the present—to making sure first and foremost, that States have the tools they need now to ensure that all egregious polluters change their ways and pollute no more.

By enacting H.R. 2194, the State of Minnesota—and all States—will finally have the tool that makes them true environmental regulators.

A few years ago, a Colorado judge ruled that a Department of Defense installation had to comply with a State hazardous waste law. In his court order the judge explained why States must have the enforcement tools necessary to ensure protection of public health and the environment. He wrote:

Sites like (Department of Defense installations) must be considered in the long range perspective of generations yet unborn and centuries still far over time's horizon. Indeed it is the people of (a State) who ultimately must pay the price of cleanup, or the price of not cleaning up this site * * * the worst hazardous and toxic waste site in America. It is not inappropriate that the present and future victims of this poison legacy, left in their midst by the Army * * * should have a meaningful voice in this cleanup. In RCRA, Congress has plainly provided them that voice * * * through the State.

Court Order, Rocky Mountain Arsenal, Judge Jim R. Carrigan, U.S. District Court, February 1989.

By empowering the States—by enacting H.R. 2194—that meaningful voice will finally be provided.

Mr. RICHARDSON. Mr. Speaker, I want to commend you for bringing this issue to the House floor so expediently. I also want to commend my colleagues, Mr. ECKART and Mr. SCHAEFER, for their perseverance in passing this important environmental legislation.

The environmental problems at our Federal facilties are unprecedented. Day after day we read about environmental contamination throughout our Federal complex. This committee has received testimony from the General Accounting Office, the Environmental Protection Agency, State attorneys general, and environmental organizations that our Federal facilities have historically had one of the worst compliance records with respect to the Resource Conservation and Recovery Act. In fact, Energy Secretary Watkins stated that:

The underlying operating philosophy and culture of DOE was that adequate production of defense nuclear materials and a healthy, safe environment were not compatible objectives.

It is time that the Federal Government is held fully accountable for environmental violations just as private industry and municipalities are. In 1976, Congress enacted section 6001 of the Resource Conservation and Recovery Act [RCRA] with the intent of holding Federal facilities subject to the same requirements as private industry, State agencies, and municipalities. Some State courts, however, in cases involving civil penalties against Federal facilities, have ruled that Congress did not clearly waive the sovereign immunity of the United States with respect to civil penalties.

H.R. 2194 would make it clear that Federal facilities are subject to requirements of Federal, State, and local government under the Resource Conservation and Recovery Act, including administrative orders and civil and criminal penalties. This bill is extremely important to the States and their ability to assess penalties against Federal facilities for environmental violations. I am a cosponsor of this legislation and I urge my colleagues' support.

Mr. RITTER. Mr. Speaker, I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 2194, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING CITY OF POCATELLO, ID, TO USE CERTAIN LANDS FOR A CORRECTIONAL FACILITY

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1448) to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSE.

(a) MODIFICATION.—The first section of the Act entitled "An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply," approved May 12, 1920 (41 Stat. 596), is amended by striking "city:", and by inserting in lieu thereof "city, and for use for the construction and operation of a correctional facility for women on no more than 40 acres in the west half of section two that are contiguous with Fore Road (as such road existed on June 11, 1991), provided that neither the city nor any other entity allows the construction after June 11, 1991, of any temporary or permanent road across City Creek or within the area 300 feet on each side of the centerline of such creek (but any road existing within such area on such date may be maintained to the same standard as existed on such date), and (with respect to the remainder of such lands) for use for outdoor recreational purposes consistent with the maintenance of natural open space, wildlife habitat purposes, and other public purposes consistent with water storage or utility transmission purposes by such city or other governmental entity. The city of Pocatello may convey or lease to a governmental entity established under the laws of the State of Idaho such portion of the lands conveyed to such city under this Act as may be used for a correctional facility, but may not transfer any of the city's right, title, or interest in any other portion of such lands:"

(b) The first section of said Act is further amended by the addition of the following paragraphs at the end thereof:

"(b)(1) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the city of Pocatello under this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement, or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(2) If lands granted or conveyed to the city of Pocatello by or pursuant to this Act shall be used for purposes that the Secretary of the Interior finds: (A) inconsistent with the purposes for which such lands were granted or conveyed and not authorized by the Secretary pursuant to this Act, and (B) which may result in the disposal, placement, or release of any hazardous substance, the city of Pocatello shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement thereon, as of the date of conversion of the land to such nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended."

(c) AMENDMENT OF PATENTS.—Upon the request of the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 20, 1920, so as to conform to the amendments to such Act made by this Act.

SEC. 2. MODIFICATION OF REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596) is amended by designating the existing text of such section as section 1(a) and by striking out "of each year after the expiration of said two years," and inserting in lieu thereof "every five years beginning in 1996,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1448, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1448 is a bill introduced by Representative STALLINGS and by my Interior Committee colleague, Representative LAROCCO.

The bill would amend a 1920 act that allowed the city of Pocatello, ID, to acquire certain Federal lands. Under that act, the lands can be used only for conservation and protection of the city's water supply. The State of Idaho is now in the process of deciding where to locate a new correctional facility, and the city would like to be able to make a portion of these lands available for that purpose. But that cannot be done under the existing law. The bill is intended to allow this additional use of these lands.

After the subcommittee hearing on H.R. 1448, the bill's sponsors worked with the committee, with Pocatello city officials, and with interested groups in Idaho to develop an amendment to respond to some concerns raised at the hearing, including the concerns of the administration. As a result, a substitute was developed that was approved by the committee and is now before the House.

The bill as reported would allow a correctional facility to be built on a 40-acre tract in the part of the lands where there are an existing road and city water-supply facilities, and would allow the city to transfer the site of the correctional facility to another governmental entity. It would preclude any new roads in the most sensitive riparian area near City Creek.

It would explicitly authorize compatible recreational use of the remainder of the lands, a use that occurs now but whose permissibility is questionable under the 1920 act, and would require the city to retain ownership of the lands except those used for a correctional facility.

It would also add to the 1920 act language to protect the United States against liability arising from possible contamination of the lands with hazardous materials, as requested by the administration.

Finally, the bill, as amended, would replace the current requirement for an annual report to the Secretary of the Interior about the use of the lands with a requirement for reports every 5 years, as is typical in similar situations involving the Recreation and Public Purposes Act.

I understand that the bill as reported by the committee is fully supported by the city of Pocatello and the citizens groups who have expressed concerns about the bill. It was approved in the committee without controversy.

Mr. Speaker, as reported from the Interior Committee this is a good bill that appropriately allows for possible location of a new correctional facility on the affected lands while still protecting sensitive areas and safeguarding the National Government from possible liability. The gentleman from Idaho, Mr. STALLINGS, deserves congratulations on working out a compromise that evidently is acceptable to all concerned, and the bill deserves the approval of the House.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1448 which has been ably explained in detail by Chairman VENTO. I note that this bill as amended is supported by both the city of Pocatello, ID, and a group of local Idaho citizens who had objections to the bill as introduced.

I note that H.R. 1448 is also supported by the administration. I commend Chairman VENTO and the Idaho delegation for their fine work on this bill.

□ 1350

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we appreciate the cooperation of the gentleman from California [Mr. LAGOMARSINO] and his staff, both the minority and majority staffs who have worked so hard on this legislation. I especially want to thank the gentleman from Idaho [Mr. STALLINGS] for the work that he has done on this measure. It is a small matter to most of us in terms of an issue, but I believe it is of tremendous importance to the State of Idaho and this particular community.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge passage of H.R. 1448. I also want to express my appreciation to the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], his staff, and the gentleman from Montana [Mr. MARLENEE], and his staff on the other side of the aisle for their expeditious and thoughtful handling of this bill. I also would like to commend the chairman of the full Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER], and my colleague, the gentleman from Idaho [Mr. LAROCCO].

Mr. Speaker, the bill before us is the result of a compromise hammered out at the local level by members of both parties, by city and State officials and by conservation and homeowner groups. Mr. Speaker, I think the process that led to this compromise is an example of participatory decision-making at its best, and I would like to extend my congratulations to all the participants in the process.

This bill would enable Pocatello, ID, in cooperation with the Idaho Department of Corrections, to use certain land for construction of a correctional facility for women.

The land is already owned by Pocatello, but remains subject to use restrictions imposed by Congress when it authorized the sale of the land to the city in 1920. These restrictions preclude

construction of the facility. This bill would permit use of 40 acres of the land for construction of the prison.

The bill also clarifies that the remaining 2,200 acres of the land may be used for recreational or other purposes provided they are compatible with the conservation and protection of the city water supply—the purpose for which the land was originally sold to Pocatello.

A consent decree and related court actions arising out of recent litigation require Idaho to build the women's correctional facility promptly. The Pocatello site has the support of the Governor, both political parties on the local level, the mayor, the county commission, the entire congressional delegation here and in the Senate.

In addition, I believe it is important and significant that the bill does not require the prison to be built on this site, it merely makes it possible for Pocatello to offer this site for such a use if it decides to do so.

Mr. Speaker, this bill is a good, responsible piece of legislation and I urge its passage.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume for the purpose of commending the gentleman from Idaho for his work on this bill. It is a good measure. It provides, I think, another demonstration of the use of public lands for public purposes and still maintaining the intent of the 1920 law, and it meets the needs of the State of Idaho, the city of Pocatello.

So I certainly am pleased to have worked with the gentleman toward this end. These correctional facilities are hard to locate. This particular community is taking on that responsibility, under some duress, in the State of Idaho. It is a difficult task, but I am certain that they are going to respond and end up with a very positive facility.

Again I commend the gentleman from Idaho for his work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1448, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANZANAR NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 543) to establish the Manzanar National Historic Site in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MANZANAR NATIONAL HISTORIC SITE

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to provide for the protection and interpretation of historical and cultural resources associated with the relocation of Japanese-Americans during World War II, there is hereby established the Manzanar National Historic Site (hereinafter in this title referred to as the "site").

(b) AREA INCLUDED.—The site shall consist of the lands within the area generally depicted as Alternative 3 on map 3, as contained in the Study of Alternatives for Manzanar War Relocation Center, map number 80,002 and dated February 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") may from time to time make minor revisions in the boundary of the site.

SEC. 102. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the site in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this title.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the site, the Secretary is authorized to enter into cooperative agreements with public and private entities for management and interpretive programs within the site and with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) WATER.—The water rights of the city of Los Angeles shall not be affected by the conveyance of lands under section 103, except that the Secretary shall not acquire such lands until such time as the Secretary has entered into an agreement with the city of Los Angeles which includes provisions to provide water sufficient to fulfill the purposes of the site and to protect the cultural, visual, and natural resources of the site as these resources might be affected by the exercise of such rights.

(e) TRANSPORT OF LIVESTOCK.—Any person who holds a permit from the Department of Water and Power of the city of Los Angeles, California, to graze livestock on city lands located contiguous with the site may move livestock across the Federal lands managed by the Bureau of Land Management located contiguous with the site for the purpose of transporting such livestock from one such parcel to the other.

SEC. 103. ACQUISITION OF LAND.

(a) IN GENERAL.—In order to carry out the purposes of this Act, the Secretary may acquire all lands referenced in section 101(b) through donation by or exchange with the city of Los Angeles.

(b) AUTHORITY.—Notwithstanding any other provision of law, in event of exchange under this section, the Secretary shall utilize the Secretary's authority under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) to exchange public lands within Inyo County, California, identified as suitable for disposal by the Bureau of Land Management. Priority for such exchange shall be given to lands identified for disposal in the Bishop Resources Area Resource Management Plan and lands immediately adjacent to the site.

(c) FACILITY.—The Secretary may contribute up to $1,100,000 in cash or services for the relocation and construction of a maintenance facility to replace the facility located on the land to be acquired under this section.

SEC. 104. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established an 11-member advisory commission to be known as the Manzanar National Historic Site Advisory Commission (hereinafter in this title referred to as the "Advisory Commission"). The Advisory Commission shall be composed of former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and the general public appointed by the Secretary to serve for terms of 2 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, acting through the Director of the National Park Service, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development, management, and interpretation of the site, including the preparation of the general management plan.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the site. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this title on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to the Advisory Commission.

(f) TERMINATION.—The Advisory Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Advisory Commission in carrying out the purposes of this Act.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this title.

TITLE II—JAPANESE AMERICAN NATIONAL HISTORIC LANDMARK THEME STUDY

SEC. 201. SHORT TITLE.

This title may be cited as the "Japanese American National Historic Landmark Theme Study Act".

SEC. 202. THEME STUDY.

(a) STUDY.—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized and directed to prepare and transmit to the Congress no later than two years after the date of enactment of this title a National Historic Landmark Theme Study on Japanese American history (hereinafter in this title referred to as the "Theme Study"). The purpose of the Theme Study shall be to identify the key sites in Japanese American History that illustrate the period in American history when personal justice was denied Japanese Americans. The Theme Study shall identify, evaluate and nominate as national historic landmarks those sites, buildings, and structures, that best illustrate or commemorate the period in American history from 1941-1946 when Japanese Americans were ordered to be detained, relocated or excluded pursuant to Executive Order Number 9066, and other actions. The study shall include (but not be limited to) the following sites:

(1) Internment or concentration and temporary detention camps where Japanese Americans were relocated, detained and excluded pursuant to Executive Order Number 9066, issued on February 19, 1942. The internment camps include: Tule Lake, California; Rohwer, Arkansas; Gila River, Arizona; Poston, Arizona; Granada, Colorado; Jerome, Arkansas; Heart Mountain, Wyoming; Minidoka, Idaho; and, Topaz, Utah. The temporary detention camps include Pomona, California; Santa Anita, California; Fresno, California; Pinedale, California; Tanforan in San Bruno, California; Sacramento, California; Marysville, California; Mayer, Arizona; Salinas, California; Turlock, California; Merced, California; Stockton, California; Tulare, California; Puyallup, Washington; and, Portland, Oregon.

(2) Angel Island, California, the port of entry for many Japanese Issei.

(3) Camp Shelby, Mississippi, the training ground for the 442nd Infantry Regimental Combat Team.

(4) Camp Savage and Fort Snelling, Minnesota, locations for the Military Intelligence Service Language School where Japanese Americans received Japanese language instruction, enabling the Japanese Americans to translate Japanese war plans into English.

(5) Camp McCoy, Wisconsin where the 100th Infantry Batallion was trained.

(6) Terminal Island, California the first location where Japanese Americans were forced to evacuate.

(7) Bainbridge Island, Washington where Japanese Americans were evacuated pursuant to Exclusion Order Number 1.

(8) Immigration and Naturalization Service internment camps at Crystal City, Kennedy and Seagoville, Texas, Missoula, Montana, and Bismarck, North Dakota.

(b) IDENTIFICATION AND LIST.—On the basis of the Theme Study, the Secretary shall identify possible new National Historic Landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for National Historic Landmark designation.

SEC. 203. CONSULTATION.

In carrying out the study, the Secretary shall consult with Japanese American citizens groups, and scholars of Japanese American history, and historic preservationists. The Secretary shall receive permission from Indian tribes to obtain access to Indian lands.

SEC. 204. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with one or more Japanese American citizens organizations knowledgeable of Japanese American history, especially the relocation and internment period during World War II, to prepare the Theme Study and ensure that the Theme Study meets current scholarly standards.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 543 was introduced by Representative MEL LEVINE of California. As reported by the Committee on Interior and Insular Affairs, the bill would designate the Manzanar War Relocation Center located in eastern California as a national historic site, and provide for a landmark theme study of Japanese-American history during the period of 1941-46.

The wartime relocation of persons of Japanese descent is an extraordinary and tragic event in American history. Over 120,000 people were forcibly removed to relocation camps located mostly in desolate areas of the West. Forced to take with them only what they could carry, these citizens had to endure not only the loss of property and liberty but the stigma of suspected disloyalty. Congress recently recognized the injustice of this policy by passing the Civil Liberties Act which apologized and provided restitution to Japanese-Americans interned during World War II.

H.R. 543 would designate the 500-acre Manzanar War Relocation Center as a national historic site. Manzanar was the first of the 10 relocation centers and it held 10,000 people from the spring of 1942 to the end of 1945. Manzanar is already a national historic landmark and was recommended by the National Park Service for designation as a national historic site in 1989. I would like to commend Mr. LEVINE for his leadership and hard work on this important piece of legislation which will remind present and future generations of this sad chapter in American history when our Government unjustly treated an entire group of U.S. citizens simply because of their ancestry.

The Subcommittee on National Parks and Public Lands held a hearing on H.R. 543 in late May of this year. Testimony in support of the bill was presented by the National Park Service, Japanese-American citizen groups, Inyo County, CA, the city of Los Angeles, CA and other public witnesses. An amendment in the nature of a substitute was adopted in the Interior Committee which addresses several issues raised at the hearing. This amendment was developed in close consultation with the author of the bill, the chairman of the full committee, the administration, Representative BILL THOMAS in whose district the Manzanar camp is located and the various parties which will be affected by this legislation.

As reported by the Committee on Interior and Insular Affairs, H.R. 543 provides that land for the historic site could be acquired by donation or exchange only. The Manzanar site is owned entirely by the Los Angeles Department of Water and Power. Although normal policy is to authorize land acquisition from governmental bodies by donation only, the department has stated that it is prohibited by its charter from donating land to another governmental entity. It is unclear if this is in fact the case, since the city's position is based on a 50-year-old departmental legal opinion and has never been tested. Given this shakey legal position and considering the city's large land holdings on the Owens Valley, their ability to retain water rights to the Manzanar site and the considerable public benefit which would result from the establishment of the historic site, the committee has included report language in the committee report accompanying H.R. 543 directing the Department of Water and Power and the National Park Service to fully explore the possibility of donating the land to the National Park Service before considering the possibility of a land exchange. The bill provides for the retention of water rights on the site by the city of Los Angeles and provides for a cooperative agreement between the city and the National Park Service for the supply of an adequate amount of water for park operations.

Additionally the bill includes a provision worked out with Representative BILL THOMAS to authorize the replacement of the Inyo County maintenance facility which is currently housed in the building that was used during the World War II internment as a camp auditorium. This is the only major building which remains intact from the World War II Japanese-American internment period and would be used by the National Park Service as a visitor facility at the site.

Finally, H.R. 543, as reported contains the text of H.R. 2351, legislation introduced by Interior Committee Chairman George Miller to authorize the National Park Service to conduct a

landmark theme study on Japanese-American history during the period 1941–46. This study will determine the significance and integrity of a number of sites related not only to the internment camps but the lesser known history of the participation and contributions of Japanese-American citizens in the war effort as combatants or as intelligence gatherers. I believe this landmark theme study complements the establishment of the Manzanar historic site by providing for the consideration of sites related to the contributions of many Japanese-Americans during the war and commend Chairman MILLER for introducing this bill.

Mr. Speaker, 3 years ago this body passed legislation which acknowledged the injustice of the internment policy and apologized on behalf of the people of the United States. Our willingness to make restitution when we departed from our founding principles of freedom and civil liberties is a sign of our humility and greatness as a nation. Today we have a unique opportunity to build on that record by establishing a national historic site which will serve as a permanent reminder of a time when our country denied its own citizens rights guaranteed in the Constitution and Bill of Rights. I urge all of my colleagues to vote for this proposal today.

□ 1400

Mr. Speaker, I ask my colleagues to support this outstanding measure, and I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of title I of H.R. 543 which provides for the establishment of Manzanar National Historic Site in Inyo County, CA. This act would recognize and commemorate an important aspect of American history, the internment of over 110,000 Japanese-Americans during World War II without charges or a trial. It is appropriate that this important story be broadly interpreted to the American people, so that we can be sure to learn from our past actions.

Mr. VENTO has adequately described the historic significance of the events which took place at Manzanar and explained the details of the bill language we are considering today. I would like to briefly point out the significance of several features of this measure, which represent some new thinking in the creation of park areas.

With this bill comes a recognition that we cannot expect that as a matter of course, new park areas will be created on the backs of State and local government agencies. If the Congress wants to create a new park area or expand an existing one, it will have to consider the full cost of its actions. In the case of Manzanar, we are creating a park from lands owned exclusively by the Los Angeles Department of Water and Power and facilities owned by Inyo County.

Under existing law, and in accord with past practices, Congress would have insisted on donation of the lands and limited acquisition costs to the fair market value of the facilities acquired, since after all creation of the park was for the benefit of the American people. Indeed, based on press reports, there was substantial pressure brought upon the agencies to donate their interests so that the cost of Federal park establishment to the American taxpayer could be minimized. While I would certainly not object to a donation of property interests on behalf of other Government agencies, such donations are something that Congress should reward with distinction, not insist upon as standard operating procedure. These non-Federal agencies are often in no better financial condition than the Federal Government.

In this particular case, we have added language to the bill which authorizes the department of water and power to be compensated for their land interests through exchange. We have placed language into the bill, which will allow for replacement of the county maintenance facility at a cost of up to $1.1 million, which may be as much as four or five times the actual fair market value of the facility the Federal Government is acquiring.

I applaud the chairman for recognizing the true costs of establishing such a park.

I would also like to recognize the efforts of Mr. BILL THOMAS of California who has done an excellent job of representing the interests of his constituents during the development of this measure.

I also note that this bill includes as title II, a Japanese-American landmark study. While the study process outlined in this measure is far preferable to that passed by the House earlier this session, I note that the administration is opposed to this title. Their opposition is based on the very narrow focus of this study and the fact that much of the work called for has already been accomplished. I hope that the concerns of the administration can be addressed in the Senate.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I would like to begin by thanking the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], as well as his staff, for their great help in working with the various parties who are interested in this legislation and in expediting the movement of this legislation, and I also want to thank the gentleman from California [Mr, MILLER], who chairs the full committee, for moving this bill so swiftly through the full committee and for including his important provisions which now comprises title 2 of this legislation. In addition, I would like to thank and commend my colleagues, the gentleman from California [Mr. THOMAS] in whose district this site resides, as well as my close friend, the gentleman from California [Mr. MINETA], and the gentleman from California [Mr. MATSUI] for their support and assistance in the development of this legislation. Finally, I would like to thank Mayor Tom Bradley of the city of Los Angeles for his support and his leadership in terms of bringing the city of Los Angeles to a position to support this legislation, as well as Sue Embry and Rose Ochi of the Manzanar Committee for their outstanding work in building the coalition of support that made this bill a reality.

Mr. Speaker, as the gentleman from Minnesota [Mr. VENTO] has already indicated, the internment of Japanese Americans during World War II will undoubtedly be remembered as one of the great blots on American history, one of the great tragedies, one of the great injustices to any people and, particularly, to citizens of this country, citizens who were loyal and patriotic Americans, but who nevertheless were forcibly interned because of false and unfair suspicions with regard to their loyalty during World War II. Mr. Speaker, 120,000 persons of Japanese ancestry were held against their will from 1942 to 1945, 10,000 at the Manzanar camp alone.

The 100th Congress engaged in an historic and overdue debate with regard to this stain on our history and passed historic and, obviously, very significant legislation both to apologize to the internees and to compensate them. I think the debate in that Congress eloquently and appropriately put to rest some of the outrageous suggestions and assumptions that attended this tragic situation during World War II. In the context of that debate, the Government, through the Congress, formally apologized to the former internees for the grave injustices which they suffered.

Now, Mr. Speaker, we are faced with the task of preserving a record of the experiences of the Japanese-American internees so that this type of wholesale violation of civil rights is never again repeated.

It has been almost 50 years since the internment camp was closed.

Regrettably, vandals and souvenir hunters have taken their toll on the physical remains of the camp. Now, two buildings, some foundations, and some gardens are the only signs of the terrible tragedy that occurred at Manzanar during World War II. We need to protect the site from further deterioration.

As time passes, it will become increasingly difficult to find people who were old enough to remember being interned, much less those who were old enough to understand the significance of the internment as they experienced it.

If we act quickly, we can preserve both the memories and the camp itself, to establish a lasting record of the internment of Japanese-Americans, and of the conditions they endured.

Mr. Speaker, this historic site will be the foundation for the preservation of a historic record of the Japanese-American community's experiences during this tragic period in American history. Hopefully, it will help to ensure that no one else will be forced to endure inhumane policies internees faced at Manzanar and nine other sites around the country.

I want to mention briefly, Mr. Speaker, that the Los Angeles Department of Water and Power has expressed concern about the impact that this legislation might have on Los Angeles' water rights. As the chairman indicated, that concern has been fully addressed. This will not impact Los Angeles' water rights. This will not compromise Los Angeles' water in any regard, nor cost Los Angeles one drop of water.

It is my hope, Mr. Speaker, that Manzanar will serve as a reminder of the grievous errors, and inhumane policies we pursued during World War II.

We must never allow such actions to occur again.

Mr. Speaker, I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG], the ranking member of the Committee on Interior and Insular Affaris.

Mr. YOUNG of Alaska. First, Mr. Speaker, let me congratulate the gentlemen from California, Mr. MATSUI and Mr. MINETA for their work on this legislation in addition to the gentleman from California [Mr. LEVINE].

We have to remember one thing, that in 1941 Hitler had the Jews, and Franklin Delano Roosevelt had the Japanese. It was a dark time in our history. It was dark in many ways, and many people recited this on the floor in the last Congress, but we actually passed legislation to apologize, and to rehabilitate and to compensate the American-Japanese, and I want to compliment the people that sponsored this bill to again bring it to light that we must not forget this happened in our democracy. This happened in other parts of the world, in the same era of time, and these types of memorials must be set aside.

However, Mr. Speaker, I would be remiss if I did not also remind those that recognize the American-Japanese that we also had the same thing happen in Alaska with the Aleuts of the Pribilof Islands where they were removed from their homes forcibly, put into concentration camps and into work camps around Alaska and the lower 48 at a great loss of life and property, not because they were American-Japanese, but because they had last names that were Russian names.

I do not think this Nation ever, ever again should ever have the opportunity again, just becasue one has a last name that happens to coincide with our enemy or a racial identity that coincides with the enemy, if they are Americans, to be set aside in concentration camps and interned.

This is good legislation. It should be voted on. I compliment the sponsors, and let us not ever have this again in American history.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], a sponsor of the measure.

□ 1410

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 543, which will designate the former Manzanar internment camp as a national historic site and will study other locales important to the experience of Americans of Japanese ancestry during the Second World War.

H.R. 543 will educate all Americans about the injustices endured by Americans of Japanese ancestry during the Second World War while commemorating their incomparable achievement toward winning that war for freedom and democracy.

More than accomplishing those goals, though, this bill will help ensure that no other Americans again suffer the injustices of internment.

Mr. Speaker, when the Congress passed the Civil Liberties Act of 1988, the U.S. Government apologized for denying basic constitutional rights to its own citizens.

But to avoid another such contravention of our rights, we must continue to remind ourselves of the lessons of the internment. We must remember the circumstances that enabled the Government to suspend its own bill of rights because of war hysteria and prejudice.

That is why the Civil Liberties Act called for a fund to promote continuing education about the internment.

Awareness, discussion, and self-examination are the keys to maintaining a vigilant and active society.

For many people who were interned, the names and places contained in this bill are living history. My family and I were imprisoned in Santa Anita Racetrack. We were later interned in the camp at Heart Mountain, WY.

The 442d Regimental Combat Team was formed by volunteers who left their families in the camps and went on to become the most highly decorated combat unit of the war in Europe. They trained at Camp Shelby, MS.

Indeed, every site named in this legislation has great personal meaning for those who were interned, and for American history.

Along with the people who lived at Lexington and Concord, Gettysburg, and Council Bluffs, those who were interned are a part of our national heritage.

Eventually, the men, women, and children who lived these times will be gone as well. But by adopting this legislation today, we can ensure that the memory of their experience lives on.

Mr. Speaker, the internment of Americans of Japanese ancestry during the Second World War is not a Japanese-American issue. It is not an Asian-American issue. It is an American issue.

In 1988, the Congress and the President said that the United States made a great mistake in 1942. And together, we pledged that it would never again occur.

This bill will help ensure that the full story of the internment will be told and remembered. And by doing so, it will help ensure that the internment will never be repeated.

I commend the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and the ranking minority member, Mr. MARLENEE for their support.

I would like to thank Chairman GEORGE MILLER and the ranking Republican DON YOUNG of the full Interior Committee.

I would like to extend my special thanks to the gentleman from Los Angeles, Mr. LEVINE, who has continued to demonstrate his dedication to civil rights over the years, and to my fellow Californians BOB LAGOMARSINO and BILL THOMAS, whose efforts on behalf of the bill have been invaluable.

I urge my colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to one of the sponsors of a major title of this bill, the gentleman from California [Mr. MILLER], chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 543. Title I designates the Manzanar National Historic Site in California. Title II is identical to H.R. 2351, legislation I introduced to direct the Secretary of the Interior to conduct a national historic landmark theme study on Japanese-American history.

The Japanese-American internment period from 1941–46 was a tragic period in history. On February 19, 1942, President Roosevelt issued Executive Order No. 9066 which gave the Secretary of War permission to exclude any person from designated areas in order to secure national defense objectives against sabotage and espionage. The

order was used to remove persons of Japanese ancestry, including American citizens and resident aliens, from the west coast.

Within a few months more than 100,000 people were ordered to give up their homes, farms, and businesses and forced to move to relocation centers and temporary detention camps in the western United States. The 10 relocation centers were Manzanar, CA; Tule Lake, CA; Poston, AZ; Gila River, AZ; Granada, CO; Jerome, AR; Rohwer, AR; Heart Mountain, WY; Minidoka, ID; and, Topaz, UT. Assembly centers were located in California, Arizona, Washington, and Oregon. In addition, the Immigration and Naturalization Service held Japanese-Americans at internment camps in New Mexico, Texas, Montana and North Dakota.

H.R. 543, introduced by Congressman MEL LEVINE, would designate Manzanar a national historic site in California. Manzanar was the first of 10 relocation camps where American citizens and resident aliens because of their Japanese heritage were sent against their will. Approximately 10,000 persons were relocated to Manzanar which now holds a special meaning to many Americans, especially those of Japanese descent.

Today, many visitors traveling in the Owens Valley along Highway 395 in California stop at Manzanar. Unfortunately, the historic resources at Manzanar are not well protected. Vandalism frequently occurs on the site. H.R. 543 would help protect Manzanar by authorizing the Secretary of the Interior to enter into cooperative agreements with public and private entities in California to manage the site and institute interpretive programs.

Manzanar is located on lands owned by the Los Angeles Department of Water and Power. H.R. 543 authorizes the Secretary of the Interior,to accept by donation or exchange the land. The city of Los Angeles would retain the water rights. It is my hope that the city will see fit to donate the approximately 550-acre Manzanar site. If the Los Angeles Department of Water and Power refuses, we will have lost a grand opportunity to teach others about the history of Manzanar and the importance of protecting civil liberties and the Constitution.

As my colleagues may recall, many Japanese-Americans, despite Executive Order No. 9066, participated in the defense of this country during World War II. Some were trained at such sites as Camp Shelby, MS and Camp McCoy, WI. Other Japanese-Americans were giving Japanese language lessons at the Military Intelligence Service language schools at Fort Savage and Fort Snelling, MN. Title II of H.R. 543 directs the Secretary of the Interior to study these sites and others for possible designation as national historic landmarks.

Scattered throughout the United States, the sites tell the story of a time when we allowed American citizens to be denied personal justice. This legislation will help future generations understand that humiliation and injustice suffered as a result of hysteria and racism, even during war time, should not be tolerated.

H.R. 543 complements the apology we made to Japanese-Americans in the Civil Liberties Act of 1988 by further recognizing the mistakes we made during World War II, and reinforcing our commitment to civil liberties and the Constitution.

Mr. Speaker, I thank Congressmen VENTO and LEVINE, as well as the Japanese-American Citizens League for their contributions in this important legislation. I encourage my colleagues to support H.R. 543.

Mr. THOMAS of California. Mr. Speaker, I rise to offer my comments in support of the bill before us today, H.R. 543, to establish a Manzanar National Historic Site in Inyo County, CA, within the 20th Congressional District which I represent.

I realize there are some who oppose the establishment of any sort of National Park Service unit to officially commemorate the U.S. internment of thousands of Japanese-Americans during World War II. The belief is that we should let the past be past, that an episode such as this is an embarrassment to the United States that should be allowed to be forgotten. I disagree, obviously, with such sentiments, but I do understand the reluctance to come face to face with an unfortunate piece of our not-too-distant past. It is uncomfortable, it is painful, to remember that time. But it is incumbent upon us to do so, because only through a diligent preservation of those memories can we hope to avoid their repetition in the future.

One of the best ways to ensure that we, as a nation, remain mindful of the precious rights and privileges with which we are blessed but which we all too often take for granted, is to formally commemorate a time when many of these same rights and privileges were suspended for many of our fellow citizens. Just such a commemoration would be appropriately served by the establishment of a national historic site at Manzanar. I urge my colleagues to support the passage of H.R. 543.

Mrs. MINK. Mr. Speaker, I rise in strong support of H.R. 543, a bill to designate Manzanar internment camp as the Manzanar National Historic Site. One of the greatest of American traditions is the preservation of historic sites so that future generations may fully appreciate the lessons this Nation has learned in the years our country has existed.

The internment of Japanese-Americans during World War II is not a proud chapter in our history and it is certainly not a pleasant memory for those who survived the ordeal, but it is nonetheless a part of the American experience that must be preserved so that those whose lives were shattered by this great injustice will not have suffered in vain.

Mr. Speaker, this Nation has realized the mistake that was made in unfairly imprisoning Japanese-American families during the war because of their ancestry. This Congress has taken steps to try and make up for the damage done by giving reparations to those who were subjected to internment. But above all apologies and compensations, the victims of this crime and their families wish that their sacrifices be remembered, honored, and most of all, that this type of injustice against one group of Americans never be repeated.

I commend Chairman VENTO and the committee for their fine work in bringing this bill forward. The acquisition of the Manzanar site and the establishment of the Japanese-American internment study will go a long way toward healing the wounds of this tragic period of our history.

Perhaps the time has come to forgive the terrible mistakes made by misguided Government officials during the Second World War. But while we can forgive, we must never forget. Manzanar and the other internment sites will always be remembered as the places where our Government ignored at home the very freedoms we were fighting to uphold around the world. It is not a pleasant memory but it is most definitely an American memory.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill (H.R. 543), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF A MEMORIAL AT CUSTER BATTLEFIELD NATIONAL MONUMENT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes, as amended.

The Clerk read as follows:

H.R. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. REDESIGNATION OF MONUMENT.

The Custer Battlefield National Monument in Montana shall, on and after the date of enactment of this Act, be known as the "Little Bighorn Battlefield National Monument" (hereafter in this Act referred to as the "monument"). Any reference to the Custer Battlefield National Monument in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Little Bighorn Battlefield National Monument.

SEC. 102. CUSTER NATIONAL CEMETERY.

The cemetery located with the monument shall be designated as the Custer National Cemetery.

TITLE II

SEC. 201. FINDINGS.

The Congress finds that—

(1) a monument was erected in 1881 at Last Stand Hill to commemorate the soldiers, scouts, and civilians attached to the 7th United States Cavalry who fell in the Battle of the Little Bighorn;

(2) while many members of the Cheyenne, Sioux, and other Indian Nations gave their lives defending their families and traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals; and

(3) the public interest will best be served by establishing a memorial at the Little Bighorn Battlefield National Monument to honor the Indian participants in the battle.

SEC. 202. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish a committee to be known as the Little Bighorn Battlefield National Monument Advisory Committee (hereafter in this Act referred to as the "Advisory Committee").

(b) MEMBERSHIP AND CHAIRPERSON.—The Advisory Committee shall be composed of 11 members appointed by the Secretary, with 6 of the individuals appointed representing Native American tribes who participated in the Battle of the Little Bighorn or who now reside in the area, 2 of the individuals appointed being nationally recognized artists and 3 of the individuals appointed being knowledgeable in history, historic preservation, and landscape architecture. The Advisory Committee shall designate one of its members as Chairperson.

(c) QUORUM; MEETINGS.—Six members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall act and advise by affirmative vote of a majority of the members voting at a meeting at which a quorum is present. The Advisory Committee shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the monument. Advisory Committee meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) ADVISORY FUNCTIONS.—The Advisory Committee shall advise the Secretary to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.

(e) TECHNICAL STAFF SUPPORT.—In order to provide staff support and technical services to assist the Advisory Committee in carrying out its duties under this Act, upon request of the Advisory Committee, the Secretary of the Interior is authorized to detail any personnel of the National Park Service to the Advisory Committee.

(f) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5 of the United States Code.

(g) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to the Advisory Committee.

(h) TERMINATION.—The Advisory Committee shall terminate upon dedication of the memorial authorized under section 203.

SEC. 203. MEMORIAL.

(a) DESIGN, CONSTRUCTION, AND MAINTENANCE.—In order to honor and recognize the Indians who fought to preserve their land and culture in the Battle of the Little Bighorn, to provide visitors with an improved understanding of the events leading up to and the consequences of the fateful battle, and to encourage peace among people of all races, the Secretary shall design, construct, and maintain a memorial at the Little Bighorn Battlefield National Monument.

(b) SITE.—The Secretary, in consultation with the Advisory Committee, shall select the site of the memorial. Such area shall be located on the ridge in that part of the Little Bighorn Battlefield National Monument which is in the vicinity of the 7th Cavalry Monument, as generally depicted on a map entitled "Custer Battlefield National Monument General Development Map" dated March 1990 and numbered 381/80,044–A.

(c) DESIGN COMPETITION.—The Secretary, in consultation with the Advisory Committee, shall hold a national design competition to select the design of the memorial. The design criteria shall include but not necessarily be limited to compatibility with the monument and its resources in form and scale, sensitivity to the history being portrayed, and artistic merit. The design and plans for the memorial shall be subject to the approval of the Secretary.

SEC. 204. DONATIONS OF FUNDS, PROPERTY, AND SERVICES.

Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing for the memorial.

SEC. 205. AUTHORIZATION OF APPRORPIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 115 years ago today the Battle of the Little Bighorn was fought in Montana. A Native American victory that occurred as this country was celebrating its centennial, the Battle of the Little Bighorn has long aroused strong passions. The U.S. 7th Cavalry, led by Lt. Col. George Armstrong Custer, was defeated by the assembled Sioux, Cheyenne, and Arapaho Indians who were fighting to save their traditional ways of life.

H.R. 848 was introduced by my colleague on the Interior committee, Representative BEN NIGHTHORSE CAMPBELL. As amended by the Interior Committee, the legislation accomplishes two things. First, it changes the name of the battlefield to Little Bighorn Battlefield National Monument. This name change, sought for many years, is consistent with our national tradition and policy of naming battles for the place where they were fought rather than for those who fought in them and its existing name is an anomaly within the National Park System. Indeed, General Custer's widow, Elizabeth Custer, was among many who referred to the battle as the "Little Bighorn" and the official Army name is also "Little Bighorn." Naming the battlefield for the individual who was defeated there has always been a matter of some contention, an accident of history really because the cemetery was named for Custer and was transferred to the National Park Service in 1940 and the monument when established in 1946. While there are some individuals who dislike the name change, the committee received extensive testimony supporting it from such diverse sources as the National Congress of American Indians, the Governor of Wyoming, the Montana-Wyoming Tribal Chairman's Association, and the Big Horn County, MT, Board of Commissioners. The National Park Service first considered changing the name in 1972. For greater accuracy, and greater justice that recognizes all who fought in the battle, this national park unit should be named the Little Bighorn Battlefield National Monument.

H.R. 848 also contains important provisions directing the Secretary of the Interior to design, construct, and maintain a memorial to the Indians present at the Battle of the Little Bighorn. This battle was the clash of two cultures, each trying very hard to ensure that it could pursue its way of life. The memorial is intended to be a healing memorial for those of us living today as well as a remembrance of those who fought and who died near the banks of the Little Bighorn River 115 years ago. It is important we recognize all who fought at this battle, as well as what they fought for. I endorse this legislation, as amended, and urge its passage by the House.

□ 1420

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, with some reservation. The reservation comes from the gentleman from Montana [Mr. MARLENEE]. We, jointly with the gentleman from Montana [Mr. MARLENEE] and the gentleman from Colorado [Mr. CAMPBELL], supported the legislation, and there has been some discussion possibly that

maybe local involvement might have come out better. But, overall, I suggest that the gentleman from Colorado [Mr. CAMPBELL], is absolutely correct in sponsoring this legislation.

Mr. Speaker, we have to recognize the history and background of this moment. I, very frankly, have watched and listened many times about the history of Lt. Col. George Custer, and many times he got the recognition and not those other people involved in this conflict.

The other people, it was on their land, they conducted a great battle, a battle strategy that still goes down in the annals of battlefield strategy. I can tell you that this monument should be erected. This is an attempt to do it, and I think it should be done, not only in recognition of Mr. Custer, but the American Indians that fought in this battle.

Mr. Speaker, it is indeed a pleasure to speak on behalf of this legislation with the gentleman from Colorado [Mr. CAMPBELL] and the gentleman from Montana [Mr. MARLENEE], and I hope this body sees the wisdom to pass this legislation.

Mr. VENTO. Mr. Speaker, I mentioned the gentleman from Colorado [Mr. CAMPBELL] and his work on this, along with the gentleman from Montana [Mr. WILLIAMS]. They both have worked very hard. The gentleman from Colorado [Mr. CAMPBELL] introduced two bills, both of them I believe cosponsored by the gentleman from Montana [Mr. WILLIAMS]. I would like to thank the gentleman for his work on this. He went out to Montana and did a field hearing on the topic a couple of weeks ago, and it was very helpful in processing and addressing the concerns of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. CAMPBLELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, it is indeed an honor for me to stand before this body as the only American Indian in the U.S. Congress in support of House Resolution 848, a bill to authorize an Indian memorial at the Custer Battlefield National Monument, and to redesignate the battlefield as the "Little Bighorn Battlefield National Monument."

As the gentleman from Minnesota [Mr. VENTO] mentioned, it has been 115 years since the 7th Cavalry, led by George Armstrong Custer, encountered the seven bands of the Teton Sioux and the Northern Cheyenne camped along the banks of the Little Bighorn River in what we now call Montana. My own great-grandfather was in that battle.

The Indian people who were attacked by General Custer fought valiantly for their way of life, their families, as they knew it, and their very survival.

The soldiers, I believe, fought bravely, too, believing that their battles would make the West safe for settlers, miners, trappers, and others who sought fortunes and their futures during our Nation's westward expansion.

Shortly after that battle, the War Department began referring to that battle site as "Custer's Battlefield," and his name will always be identified with the battlefield. Perhaps, if Indian people had been allowed to participate in the naming of the battlefield at that time, we would not be here today, but the political climate of those times absolutely would not allow it. History, as we know, is written by those who have a written language, and Indians did not.

But as Dr. Barney Old Coyote, a member of the Crow Nation and a decorated veteran who flew 50 bomber missions in World War II noted recently in Billings, it does not seem appropriate that this battlefield be named for an individual who spent only 2 days at that site, while Indians have been there for generations.

I agree with Dr. Old Coyote. It has always been hard for Indian people to accept this site as it is currently known, and even today, many Indian people are reluctant to visit that site.

This bill does not attempt to revise history, Mr. Speaker, and I do not believe we are revising history by building an Indian memorial at the battlefield or by redesignating the battlefield to denote its geographic location.

This designation is consistent with present day National Park Service policy. In fact, as early as 1972, the National Park Service recommended a name change.

It was also even referred to in Libby Custer's will, General Custer's widow, as the Little Bighorn Battlefield, and not the Custer Battlefield, and at no time did she ask for it to be named the Custer Battlefield.

I, along with my distinguished colleagues from Montana, Mr. MARLENEE and Mr. WILLIAMS, had the pleasure of holding a hearing in Billings on June 10. I want to thank my chairman, Mr. VENTO, for the good work that his staff did on that hearing, particularly Heather Huyck, who spent so much time at the last minute making arrangements for that bill.

As it stands now, the Governor of Montana and the Governor of Wyoming, the Montana State Legislature, and the Bighorn County Commissioners, have all submitted testimony for the Record in support of both the name change and the monument.

In addition, a hearing was held here in Washington this year, and one, in fact, was held last year, to gather testimony from the tribes affected, and they fully support this bill.

Both Montana Senators supported this bill in its present form last year, as they have indicated they will again this year.

The gentleman from Montana [Mr. MARLENEE] did have some concerns that I believe have been met by maintaining the name of the Custer National Cemetery within the monument boundaries. I believe people have had an ample opportunity to comment on this proposed change.

Mr. Speaker, if this body stands for anything, it stands for justice, and if this bill speaks to anything, it speaks to justice. Each day we end our Pledge of Allegiance with the sentence, "with liberty and justice for all." It does not end with a sentence that says, "liberty and justice for some, at the expense of others." Yet for over a century, 2 million American Indians have been denied equal and just treatment in the single most visible symbol of the tragic movement of westward expansion. We have seen fit to tell the world that we made a mistake in dealing with black people in the days of slavery, and he have seen fit to tell the world that we made a mistake in World War II in incarcerating Japanese-Americans. We just spoke to that again in passing the Manzanar bill.

Mr. Speaker, it is now time to tell the world that we made a mistake in denying the American Indians equal and fair honor on the battlefield at the Little Bighorn.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL]

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman for yielding me this brief amount of time.

Mr. Speaker, I would like to begin by observing that there is no real strong or compelling reason for the adoption of this legislation, aside from the fact that we should permit the native American peoples to construct a proper monument to those amongst their number who died at the Battle of the Little Bighorn in 1876.

It must be observed that those who died in the uniform of the United States at the Battle of the Little Bighorn did so as persons serving their Nation, honestly believing in the justice and rightness of their cause, and carrying out orders which were issued to them by proper authorities. To now rewrite history and say in some fashion that it is improper that we should name that battlefield after General Custer, or that in some way he or the men who served here and died there were behaving improperly, is indeed to distort history in a curious, and I believe a seriously improper way.

Like all other Americans, I have great admiration for the Indian peoples of this Nation. I believe they have a great tradition, a great history, and they have enriched the lives of the people of this Nation by their contributions. But to say that in some way it is a carrying out of an act of justice to rename the Custer Battlefield after some other title, is, I believe, to stretch the truth.

Mr. Speaker, justice is something which we will all learn about in the

hereafter, but I do not believe that anyone can say that there is injustice in naming this battlefield after Gen. George Custer and those who died with him.

□ 1430

A monument for the Indians who died there? Certainly. A monument for the soldiers of the United States who died there is indeed appropriate. A battlefield monument named after General Custer, regardless of whether he stayed there 2 days or 2 years or 200 years, is fully appropriate. After all, he died there, as did a large number of American soldiers carrying out their appropriate and proper duty.

I believe that if the question were put to them, it can be fairly said that they would say that the naming of this site was entirely appropriate. It has been so called for many years. There is no strong reason to change it.

My constitutents who live in the hometown and the home county of General Custer, the city of Monroe, and the county of Monroe do not support this. I believe that those who have descended from the soldiers who served and suffered and died at this battlefield have similar feelings.

Again, I reiterate, we can have a monument to and for the native Americans who died there. That is fully fitting and appropriate. But I see no reason to go beyond that point, and I think that calling the change of name some act of justice which is affecting the Indian people one way or another is not only to distort but to stretch the truth well beyond any level of believability or credibility.

I urge my colleagues to reject this legislation. It is unnecessary. It is unwise. It is offensive. It demeans the American soldiers who died at Little Bighorn and in some way it makes it appear that their behavior was improper, unjust, or that by renaming them in some way we are righting some kind of wrong which those men who suffered and died there have committed.

I say no wrong was committed there. I say no impropriety was committed by the American soldiers who died there. And so to rush out to correct some wrong which may or may not have existed in the minds of someone else is hardly the way that we should preserve the memories of those American soldiers who served their Nation right to the last moment of their life.

I urge my colleagues to reject the legislation.

CITY OF MONROE,
June 7, 1991.

HON. JOHN D. DINGELL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: On or about May 13, 1991, the City Council of Monroe, Michigan adopted the attached resolution provided by the Monroe County Historical Society. As Mayor of the City of Monroe, I am forwarding this resolution to you so that you may act upon legislation affecting the Custer Battlefield National Monument in the State of Montana.

Monroe is Custer's hometown. We have signs posted on all major entrances to the City which denote this fact. The Custer name is known world wide and any student of Custer history knows about Monroe, Michigan. The name should be preserved on the Montana Battlefield where so many Monroe men gave their lives on June 25, 1876.

Respectfully yours,
SAMUEL J. MIGNANO, JR.
Mayor, City of Monroe.

RESOLUTION OF THE MONROE COUNTY CITY COUNCIL

Whereas the name of George Armstrong Custer has assumed legendary proportions; and

Whereas the City and County of Monroe, Michigan, claim Custer as their own; and

Whereas national recognition was bestowed on the site of "Custer's Last Stand" in 1881 by naming it after him; and

Whereas a granite memorial weighing 18 tons took nearly three years to erect on the Battlefield; and

Whereas the names of those soldiers from Monroe who perished on June 25, 1876 are inscribed thereon along with those of the Custer boys, George, Boston and Tom

Therefore be it solemnly resolved, that forever after this site in the state of Montana should be known as the Custer Battlefield National Monument; and

Be if further resolved, that the Monroe County Historical Society petitions the City of Monroe, the County of Monroe, the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

RESOLUTION

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Whereas the City and County of Monroe, Michigan, claim Custer as their own; and

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Be if further resolved, that the Monroe County Board of Commissioners petitions the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

RESOLUTION OF THE MONROE COUNTY HISTORICAL SOCIETY

Whereas the name of George Armstrong Custer has assumed legendary proportions, and

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Whereas national recognition was bestowed on the site of "Custer's Last Stand" in 1881 by naming it after him, and

Whereas a granite memorial weighing 18 tons took nearly three years to erect on the Battlefield, and

Whereas the names of those soldiers from Monroe who perished on June 25, 1876 are inscribed thereon along with those of the Custer boys, George, Boston and Tom,

Therefore be it solemnly resolved that forever after this site in the state of Montana should be known as the Custer Battlefield National Monument, and

Be if further resolved, that the Monroe County Historical Society petitions the City of Monroe, the County of Monroe, the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the legislation. After all these years it is appropriate that we honor the memory of both sides and not just one side who fought in the Battle of the Little Bighorn. I urge my colleagues to support the legislation.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of H.R. 848, legislation to redesignate the Custer Battefield National Monument as the Little Bighorn Battlefield National Monument and to direct the design and construction of a memorial to honor and recognize the American Indians who fought there. The cemetery which is currently located at the monument would be designated as the Custer National Cemetery.

Today's bill is supported by a majority of the Montana congressional delegation, the Governors of both Wyoming and Montana, the Montana State Legislature, the Little Big Horn County Commissioners and many other Indian and non-Indian organizations. The Bush administration has taken a position in favor of this bill.

It is important to note that symbolism can be important and that a monument acknowledging the American Indians who fought during the Battle of the Little Bighorn is needed. This monument will reflect the fact that America is not afraid to acknowledge an unpleasant part of its history and the complex events that went into the western expansion of the dominant American culture. It is fitting and appropriate that we memorialize the bravey of all parties to this important event in American history.

General Custer's legacy will live on with the designation of the Custer National Cemetery, and the entire bill will at last allow this event in western history to be considered in its full context and complexity by all generations of Americans forever after.

I want to thank Chairman VENTO and especially my colleague, the gentleman from California, Mr. BEN NIGHTHORSE CAMPBELL, who has worked hard on this legislation and has become an outstanding leader for native American issues.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of the committee and a sponsor of this legislation, who has worked long and hard on his native Montana's monument to this event, the Little Bighorn Battle.

Mr. WILLIAMS. Mr. Speaker, in 1866, a military district for Montana was created with Fort Shaw as regimental headquarters. Gen. Philip Sheridan was commander of the Division of the Missouri. General Sherman was General of the Army, and General Sherman believed that the principal problem for the U.S. Army lay on the high plains in the West. He believed that the Indians were a great danger. His intelligence told him they were mobile, well armed and, as I say, very dangerous. And General Sheridan believed that conflict and perhaps war was inevitable. Indeed, there were numerous encounters.

It is no wonder. By 1899 there were a dozen forts in Montana alone. In 1874, Gen. George Armstrong Custer entered the Black Hills. He found that about 11,000 Indians were on reservations then and 3,000 Indians were not on their reservations, as ordered, and it was believed that they were resentful and intransigent.

In February of 1876, the matter was removed from the Department of the Interior, and this problem with the American Indians, the native Americans, was given to the Department of War. Custer and Terry, Gibbon, and Reno and Benteen, brave men all, moved with vengeance into Montana. Custer was dispatched up the Rosebud with orders to stay well back from the Indians so that an attack could be made by the entire force.

It was reported that on that morning of June 25, the regiment was excited. Colors were flying. The horses danced and the troopers laughed. Tomorrow, June 25, is the 115th anniversary of the Battle of the Little Bighorn, Custer's last stand. This year marks 112 years since this country established a memorial to honor the 7th Cavalry soldiers and scouts who fought and died that morning. Each 7th Cavalry person who died on June 25, 1876, is listed by name at the national monument. There are no names for the Indians who fought and died there simply defending their homeland and village.

Of the Cheyenne, we know that the dead included Black Cloud, Left Hand, Black Bear, and the Cheyenne chief, Chief Lame White Man.

We know that Sioux warriors fell—White Buffalo, Swift Bear, Long Road, The Oglalas, too, gave up some of their men, White Eagle and Black White Man among them.

This legislation reaches back 115 years and builds a bridge between the races, builds a bridge and properly recognizes both the vanquished and the victors. It is time now, almost exactly 115 years later, for this Nation to recognize all of its people, all of its heroes and all of those who won at this battle as well as those recognized at this battle who lost.

□ 1440

Mr. VENTO. Mr. Speaker, to conclude the debate on our side, I yield such time as he may consume to our colleague and friend, the gentleman from Colorado [Mr. CAMPBELL], one of those whose ancestors did fight in this event with the other native Americans.

Mr. CAMPBELL of Colorado. Mr. Speaker, I have already spoken once on this and submitted my testimony, but I was somewhat surprised at the testimony of my friend, the chairman, the gentleman from Michigan [Mr. DINGELL]. I am sorry he has left the room, because I was jotting down a few notes that I wanted to bring up in closing, some things that really kind of stuck with me.

He mentioned that there was no strong or compelling reason for changing the name. I submit that 2 million Americans who have lived in, you might say, the shadow of American history are strong and compelling reasons, and those are 2 million American Indians.

He mentioned that the soldiers of the time were only carrying out their orders. How many times have we heard that? How many times in the war crimes of World War II, for instance, did we hear, "Well, they were only carrying out their orders," as if somehow that made it all right to do anything, to attack women, children, peaceful camps, made it OK, because they were only doing what they were ordered?

I submit there is a much higher calling than that, and it is a moral calling. There are times when we cannot hide behind that, "They were only carrying out their orders" rhetoric.

It was not right. As my friend, the gentleman from Montana [Mr. WILLIAMS] mentioned, there were a lot of deaths. It was not just the soldiers. Seven Cheyenne, over 160 Sioux, and the fact is that they carried their dead off. They were not left there, and so nothing has been written much about them.

I understand the Custer family's concern. You might say they have a vested interest. They do not want the name changed. I recognize it is important to their family. But it seems to me I have a family, too, and that is the 2 million American Indians I spoke about.

I would like to point out one last thing, and that is that American Indians have fought in every war since the Civil War. In fact, in Iraq, we had 12,750 American Indians in that battle. Two of the first six who died in Iraq were American Indians, and one had a very poetic name. He was a Sioux youngster by the name of Came from the Stars. Some of us think perhaps that those who died, regardless of whether they were Indian or not, in Iraq have been returned to the stars.

Some have told us that this is only symbolic, a monument and a name change. It is only symbolic. But I submit that if symbolism is not important, what does that flag mean that is behind the Speaker's podium? And what does that Statue of Liberty mean that we are all so proud of? Symbolism is important, and tomorrow I hope that we will be able to tell all Americans that we are 115 years late this June 25, but we have recognized the importance of building that monument and changing that name.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of this bill to develop a monument to recognize all of the persons who fought in the Little Big Horn.

Now, although it is in Montana, it is very close to Wyoming, and it is very much a part of our background, very much a part of our culture in Wyoming.

I agree with the notion that this monument ought to express concern not only for Custer but also for the native Americans who fought and died there.

Mr. Speaker, I urge support for this bill.

Mr. VENTO. Mr. Speaker, I think I have used up my time. But I just want the Members to support this bill. It is taking a little bit of the glory and putting a little realism in what is going on. It is consistent with the Park Service and the military policy and other guidelines we follow. So we need not get into this type of argument.

I urge my colleagues to support this measure. It is an important measure to all Americans.

Mr. MARLENEE. Mr. Speaker I am here today to voice both my support, and my displeasure to H.R. 848 a bill to authorize the establishment of a memorial to honor the Indians who fought in the Battle of the Little Bighorn and to rename the battlefield.

I have no cause with erecting a monument, we are long past the time for constructing a memorial, which will be a long step forward in healing the wounds which have lingered for over a century since the battle which was the closing act in the 400-year contest between the native American peoples and European settlers over this country's lands, and how they were to be divided and utilized.

Although the battle fought 115 years ago tomorrow on the Little Big Horn River was a decisive victory for the Sioux, Cheyenne and other warrors who fought the 7th Calvary, it was truly an instance in which you could apply

the old axom about winning a battle but losing a war. Fighting continued for some years after this date, but there were to be no more encounters of this magnitude and consequence between the Army and native American tribes. Because of this, it is particularly fitting that the battlefield should contain a memorial to the Indian warriors who fought and died to protect their lands and families. In a larger sense, such a memorial will symbolize the sacrifices made by nature Americans in defense of their lands and values over the long years of the settling of America. This memorial will bring recognition to the courageous Indian warriors who fought and died at the Battle of the Little Big Horn.

I am displeased that we are moving ahead to change the name of the battlefield at this time. I preferred to have the Secretary of Interior and a study commission hold more extensive hearings on just what, if any, a name change should be.

During subcommittee hearings in Billings, MT earlier this month, I proposed that if the members of the committee were insistent on changing the name that they should at least consider retaining the Custer name on the cemetery, and I note that the other members have written this into their substitute amendment. Again I state that I would have preferred section 5 of H.R. 770 as my solution to the name change, and that I remain displeased with any name change at this time, while at the same time I am in favor of the monument at this time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 848, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act entitled "Little Bighorn Battlefield National Monument.".

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 21, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 12:35 p.m. on Friday June 21, 1991 and said to contain a message from the President, whereby he transmits the first six month follow-up report concerning chemical and biological weapons proliferation to the Congress.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXPORT CONTROLS ON COMPONENTS OF CHEMICAL WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, June 21, 1991, page S 8456.)

WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That all points of order against consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, for failure to comply with the provisions of clause 2(l)(6) of rule XI and clause 7 of rule XXI are hereby waived. During consideration of the bill, all points of order against the provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived except against the following provisions: beginning with "*Provided*" on page 10, line 10 through page 12, line 11; beginning with "*Provided*" on page 24, line 9 through line 11; beginning with "*Provided*" on page 25, line 10 through line 15; beginning with "*Provided*" on page 27, line 6 through line 20; beginning with "*Pro-*" on page 28, line 9 through "95-87:" on page 30, line 1; beginning on page 60, lines 15 through 22; beginning on page 62, lines 11 through 13; beginning on page 94, lines 10 through 17; and beginning on page 95, lines 11 through 25. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution and all points of order against the amendments in the report for failure to comply with the provisions of clause 2 of rule XXI are hereby waived. All points of order against amendment number 3 for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. Debate on amendment number 3 and all amendments thereto shall not exceed one hour.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, I yield the customary 30 minutes for the purposes of debate only to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

(Mr. GORDON asked and was given permission to revise and extend his remarks.)

□ 1450

Mr. GORDON. Mr. Speaker, House Resolution 179 provides for the consideration of H.R. 2686, the fiscal year 1992 Interior and related agencies appropriation bill.

House Resolution 179 waives against consideration of the entire bill clause 2 (l)(6) of rule XI, requiring a 3-day layover, and clause 7 of rule XXI, requiring relevant printed hearings and reports to be available for 3 days prior to consideration of a general appropriation bill.

The rule also waives clause 2 of rule XXI against all provisions of the bill with the exception of specific provisions.

Where the rule protects only a portion of the paragraph, points of order may be made only against unprotected provisions of the paragraph, and not against the entire paragraph.

Mr. Speaker, House Resolution 179 makes in order three amendments: two offered by Mr. ROE and one by Mr. SYNAR. Each amendment is printed in the report which accompanies this rule. The rule waives all points of order against all three amendments for failure to comply with provisions of clause 2 of rule XXI. The rule further waives clause 7 of rule XVI against the Synar amendment.

Chairman ROE'S first amendment will limit expenditures for the acquisition of land at the Smithsonian Institution's environmental research center until an authorization is in effect. Mr. ROE'S second amendment would limit expenditures for the construction of the National Museum of Natural History's east court building project until authorization language is in place.

Mr. SYNAR'S amendment is similar to an amendment he offered last year to the fiscal year 1991 Interior appropriations bill which passed the House by a vote of 251 to 155. Representative SYNAR'S amendment would establish a grazing fee structure for western ranchers who graze cattle on Department of the Interior, Bureau of Land Management and U.S. Forest Service land. Debate on the Synar amendment, and all amendments thereto, is limited to 1 hour.

Mr. Speaker, H.R. 2686 is the product of hard work and careful consideration. Subcommittee Chairman YATES and the ranking Republican RALPH REGULA should be commended for crafting a bill which addresses the policy issues and funding needs of a wide and varied constituency.

Mr. Speaker, I urge my colleagues to adopt this rule.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am beginning to sound like a broken record, but I am very troubled by this rule. In my view, it makes a mockery of clause 2 of rule XXI which prohibits authorizing in an appropriations bill. My concerns are directed at the way this rule treats section 313 of H.R. 2686 regarding fees for grazing rights on Federal lands and an alternative amendment on the same issue.

Mr. Speaker, I do not need to get into a discussion of the relative merits of these two grazing fee proposals at this point in time. Many of my colleagues will certainly do that when the debate on this bill is considered. My comments are directed to the way this rule sets up a double standard and undermines the committee process.

The rule before Members does not waive clause 2, rule XXI with respect to section 313, thus allowing a point of order to be raised against that section. I believe that we should generally avoid granting such waivers and denying a waiver to section 313 makes particular sense.

It is my understanding that the chairman of the Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER], has agreed to take up the issue in the authorizing committee where it should be considered. Consequently, the chairman of the Subcommittee on Interior, the gentleman from Illinois [Mr. YATES], did not request a waiver for section 313. Had this been the end product, I would not hesitate to support the rule so that we could move on with consideration of H.R. 2686.

Unfortunately, the Committee on Rules muddled the process by waiving points of order against an alternative grazing fee formula contained in an amendment that will be offered by the gentleman from Oklahoma [Mr. SYNAR].

On the one hand, Mr. Speaker, by doing this, the Committee on Rules is saying, "We don't like section 313, so it cannot be debated or voted on until it goes through the formal committee process," which is appropriate. On the other hand, the Committee on Rules is saying, "We like the Synar amendment, so we will circumvent the committee process and give it special treatment on the House floor." Somehow the Committee on Rules came to the determination that it is the proper forum for addressing the grazing fee issue, even though the initial legislation was not referred to our committee, nor did our committee ever hold any hearings on the issue.

I did not disagree that the grazing fee formula needs to be restructured. However, I believe it should be done in the context of the normal committee process.

Mr. Speaker, this is an unorthodox rule and one which I believe will have negative future consequences for the legislative process. I hope this will be the last time that we consider such an ill-conceived rule here.

STATEMENT OF ADMINISTRATION POLICY

This Statement of Administration Policy expresses the Administration's views on the Department of the Interior and Related Agencies Appropriations Bill, FY 1992, as reported by the Committee.

Although the Committee restored $213 million in funding for firefighting costs eliminated by the Subcommittee, the Administration strongly objects to the approach taken in the amendment. The bill, as amended, would preclude use of the funds unless the President declares an emergency, thus exempting all expenditures from applicable funding caps. Because these costs can be reasonably anticipated and funded in advance, the Office of Management and Budget would not recommend to the President that he designate appropriations for his purpose as "emergency." Extensive experience with firefighting costs exists, and the President's request reflects the average of annual firefighting costs over the past decade. The scorekeeping gimmick adopted by the Committee is designed to evade the spending caps contained in the budget agreement and is therefore a violation of the Budget Enforcement Act (BEA).

Furthermore, the Committee amendment would require the depletion of the entire $213 million before the use of existing authorities to transfer funds from accounts to meet firefighting costs, should they exceed estimated levels. This provision would prevent the Departments of the Interior and Agriculture from borrowing from other accounts for firefighting activities. The effect of these two provisions is to provide no funding for firefighting activities in FY 1992. This is not responsible in light of the fact that such funds will clearly be needed.

The Committee amendment violates the spirit and intent of the budget agreement with a directed scorekeeping provision. Firefighting appropriations were expliciting included within discretionary limits of the BEA. The proposal to fund firefighting costs as "emergency" is a change in the concepts used to construct the BEA. The Administration strongly objects to this violation of the budget agreement.

The Administration urges the House to fund firefighting operations at the level of anticipated firefighting needs and to do so within the domestic discretionary spending limits established by the BEA.

The Administration strongly objects to the transfer of $123 million of the proceeds from the test sale of Strategic Petroleum Reserve (SPR) oil in the SPR Petroleum account to the Strategic Petroleum Reserve account. The Administration believes that the SPR facilities account should be fully funded at the level requested in the President's Budget and that the test sale receipts should be used for the acquisition of oil. The receipts from the sale are scored as a mandatory and should not be used to offset discretionary spending under the cap.

The Administration strongly opposes any restrictions on Federal funding for the mandatory Sport Fish Restoration Program, otherwise known as the Wallop-Breaux Program. This program is entirely self-financing—those who benefit from it are assessed excise taxes and import duties. The Committee bill would cap all spending for restoring and developing fish habitats at $190 million, which is well below the $208 million in anticipated receipts. The President has stated previously that all these funds should be used for the purpose intended.

The Administration strongly objects to inadequate funding for the President's America the Beautiful (PAB) initiative for Interior and Agriculture. The House Committee mark is about $150 million below the needed amounts. At a time when visits to our national parks and forests are reaching record levels and placing them under increasing stress, the Administration strongly opposes cuts in funds designed to protect these valuable resources in order to fund low-priority earmarked projects.

The Committee has reduced funding for nationally significant resource protection programs. These include Stewardship incentives (−$55 million), American Battlefield Protection (−$13 million), Targeted Parks (−$5 million), and Coastal America (−$5 million). These reductions in the Committee bill would significantly impair the agencies' ability to protect and restore key natural and historic resources and to meet the President's goal of planting one billion trees per year.

These inappropriate reductions and transfers were made at the same time the Appropriations Committee added millions of dollars for construction of new facilities such as the Palau water and sewer systems, a no-bid contract to a local Washington, DC arts agency, and repair of non-Federal buildings such as the Chicago Public Library. In addition, the Committee added hundreds of millions of dollars for low-priority or unneeded energy research.

Attached is a table that summarizes changes approved by the Committee to the Administration's funding requests for our national parks, forests, and other public lands.

Attachment.

FY 1992 Interior Appropriations Bill: House Appropriations Committee Changes to the President's Request

[In millions of dollars]

Reductions:	
America the Beautiful natural/historical resource programs	(−150)
Stewardship initiative	−55
American battlefield protection	−13
Targeted parks	−5
Coastal America (zero-funded)	−5
Other Interior and Forest Service recreation and wildlife initiatives	−70
Forest firefighting	−213
Funding Cap on Wallop-Breaux sport-fish restoration	−18
White House visitor center rehab	−4
North American wetlands conservation (zero-funded)	−15
OCS Environmental studies and management system	−20
Full Funding of Fish and Wildlife payments in lieu-of-taxes	−3
Total	−423
Increases:	
Interior Department construction (much for unneeded new buildings and other facilities) (est.)	+230

Palau water and sewer system ..	(+8)
Chicago Public Library restoration: non-Federal	(+2)
New "Gateway Park" (IL)	(+4)
America's Industrial Heritage (PA)	(+13)
Non-competitive grants for local Washington, DC art and cultural organization	+7
Grants for non-Federal responsibilities and/or build-up of unused Federal Funds	+32
State/rural abandoned nine grants	(+22)
Energy Department low-priority R&D activities	+200
Total	+469

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 2686, the Interior appropriations measure for fiscal year 1992. This is a fair rule, a good rule, and I urge all my colleague to support it.

I am particularly moved to speak in favor of this rule, because it makes it order an amendment to increase Federal grazing fees and ensure multiple use of our 250 million acres of public rangeland. Passage of the Synar-Darden-Atkins fair market grazing fees and multiple-use amendment will be good for both the taxpayers and the environment.

This year, public land grazing permit holders—who represent only 2 percent of all cattle ranchers—will pay a fee of only $1.97 per animal unit month [AUM]. This is far below the private lease rates in those same States, which average $9.22 per AUM, and contrasts with fees ranging as high as $20 per AUM on certain other Federal and State lands. Ironically, the Bureau of Land Management currently charges a fee of $8.70 per AUM as the "value of forage consumed as a result of nonwillful unauthorized grazing use," in other words, for trespass on public land.

I think it is time for a change. Over the past 6 fiscal years, the taxpayers have lost more than $650 million, because grazing fees were lower than fair market value. As much as $150 million may be lost during fiscal year 1991 alone, because the administration will not charge fair market value for the privilege of grazing cattle on 307 million acres of Federal lands in Western States.

Each year the Federal Government loses billions of dollars selling, leasing, renting, and exchanging taxpayer assets. That's right, the Federal deficit is growing in part because the Federal Government refuses to operate as a prudent seller.

Every year during the budget debate, there is a never ending search for the fiscal equivalent of the Holy Grail—the funds to reduce the deficit.

As chairman of the Government Operations Subcommittee on Environment, Energy, and Natural Resources, I have been faced with more and more of these practices and have many fire sales under investigation. But, there are others. In fact, the General Accounting Office, the Congressional Budget Office, the Office of Management and Budget, the inspectors general, and numerous private reports have detailed monumental sums of lost Federal reserves attributed to fire sale pricing for disposal of Federal assets.

Lost revenues from these programs means fewer dollars to restore the capital costs of the grazing program, to provide recreation opportunities for all Americans, or to reduce the Federal deficit.

While there may be justifiable and sound reasons for certain Federal subsidies, such is not the case with the current grazing fee structure. Many of these decisions have not been reviewed for years. The Synar-Darden-Atkins amendment will enable the Congress to determine if such continued subsidies for public rangeland grazing are in the public interest.

This is the fourth time I have asked the Rules Committee for assistance in correcting this crisis in public lands management. Until 1990, I was asked to await action by the House Committee on Interior and Insular Affairs. But the Interior Committee failed to do so.

Unfortunately, the House Interior and Insular Affairs Committee has not yet acted. On May 22, 1991, the Interior Committee reported H.R. 1096, the Bureau of Land Management Reauthorization Act, which ignored the clear evidence supporting a change of the grazing fee formula. Those of us who support a grazing fee increase believe the House must have an opportunity to work its will and improve management of public rangelands.

The Interior Committee's inaction is even more troubling in light of full House action in the 101st Congress. As you know, on October 11, 1990, the Rules Committee reported House Resolution 505 (Rept. 101–853), which waived points of order pursuant to clause 2 of rule XXI, making in order our grazing fee amendment to H.R. 5769, Interior and related agencies appropriation, 1991. Subsequently, the House passed House Resolution 505 on October 12, 1990, by a vote of 245 to 160.

Then on October 15, 1990, the House approved the Synar-Darden-Atkins amendment to the fiscal year 1991 Interior appropriations measure, H.R. 5769, by an overwhelming vote of 251 to 155. Although that provision was dropped by the House-Senate conference committee, adoption by the House of a grazing amendment was an enormously important first step toward improving management of 250 million acres of Federal rangelands administered by the Department of Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service.

My argument to the Rules Committee this year—like my argument to you—is simple: Let the Members of Congress decide on the merits.

After 5 years inaction—I think it is time for a change. Fortunately, the Rules Committee has agreed and have made this amendment in order.

Here is what is at stake: Over the past 6 fiscal years, the taxpayers have lost more than $650 million, because grazing fees on their public rangelands were lower than fair market value. These losses occurred as a direct consequence of a 1986 Executive order by President Reagan fixing Federal grazing fees far below the Government's direct cost of operating Federal range management and range improvements programs.

As much as $150 million may be lost during fiscal year 1992 alone, unless we pass the Synar-Darden-Atkins grazing fees amendment.

Mr. Speaker, we must move as quickly as possible to end the abuse of our public lands and to save the taxpayer from unfairly subsidizing livestock production on public lands. Adopting this rule is the first step.

Unless grazing fees are increased, the Government will continue to encourage overgrazing of our public lands, the costs of the grazing program will continue to exceed receipts, and the taxpayer will continue to subsidize livestock that represents only 3 percent of total U.S. meat production.

Vote for this rule and vote for the Synar-Darden-Atkins grazing fees amendment. They are votes which are good for both the taxpayers and the environment.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA], the hard-working ranking member of the Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, I am going to oppose this rule because it is unfair. It is an interesting circumstance. The Subcommittee on Interior came to the Committee on Rules and said, "Let the authorizing committee address this problem on grazing fees," which is the correct way to approach this responsibility. The Committee on Rules decides that this is the right policy, because the bill that came out of our appropriations subcommittee and full committee did have a responsible increase in the grazing fee which should be an authorizing jurisdiction.

We all recognize, or at least most Members recognize, that there should be some adjustments, but we deferred to the Committee on Rules and to the authorizing committee and said, in effect, "OK, responsibility does rest with

the authorizing committee, and at their request we will not protect our language."

□ 1500

Strangely then, suddenly we get another proposal on grazing fees and the Rules Committee then decides to play the role of the authorizing committee.

You might have noted, the statement was made that the Rules Committee decided that this was a good thing that we increase the grazing fees, so what you have in effect is the Rules Committee substituting its jurisdiction for that of the authorizing committee.

Now, I cannot understand the inconsistency of saying on the part of the Rules Committee and the authorizing committee that we cannot protect the language in the bill that came out of the Interior Appropriations Committee where we have direct responsibility, but there can be an amendment protected that did not come from any committee of the Congress. It was just offered as an amendment on grazing fees without any hearings.

So I think this rule is very unfair and should be rejected because we should treat all these amendments or proposals involving grazing fees on an equal basis, rather than to have the Rules Committee exercise its judgment in place of the proper committee, namely the authorizing committee.

I am surprised that that authorizing committee did not request that the Synar amendment also not be protected, since that was the request on the language that was in the original appropriations bill.

For that reason, Mr. Speaker, I think the rule should be rejected.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I want to thank my good friend, the gentleman from Tennessee, for yielding this time to me to speak a few minutes in support of this rule.

This is a good bill we will be considering, Mr. Speaker. I think the Appropriations Committee deserves our support here for this legislation. It is a fine piece of legislation and I would be for the bill even if it did not make the amendment of the gentleman from Oklahoma [Mr. SYNAR], in order; however, because the amendment of the gentleman from Oklahoma [Mr. SYNAR], is made in order, I think the legislation becomes even more effective and more relevant to the needs of our society today.

Mr. Speaker, I think it is essential that we adopt this rule as passed by the Rules Committee due to the fact that for many, many years, Western cowmen have been able to raise their cattle practically free on public lands at virtually no cost at all. To quote the National Taxpayers Union, Mr. Speaker, in a letter dated June 24, 1991:

Taxpayers have had about all they can stomach of government waste, yet special interest legislation continues to chew up billions of taxpayer dollars. These interests have powerful providers in Congress who make sure that programs back home are well fed.

For those Western ranchers with access to public lands, the grass looks a lot greener on the Government side of the fence, and with good reason. Every year hundreds of millions of federally owned and managed acres are made available for grazing by privately owned livestock at a fraction of the cost to the Government.

America's taxpayers, according to the National Taxpayers Union, Mr. Speaker, have lost $650 million over the last 6 years because Federal grazing fees are far below the fair market price. Unless this inadequate grazing fee formula is changed, the taxpayers could lose another $150 million next year and probably a similar or even greater amount in subsequent years.

Mr. Speaker, we have just been provided with the results of a GAO briefing report to the chairman, the gentleman from Oklahoma [Mr. SYNAR], of the Environment, Energy, and National Resources Subcommittee of the Committee on Government Operations of the House of Representatives. We have been shocked to learn that the grazing fee is 15 percent lower now than it was 10 years ago. This contrasts with a 17-percent increase in private grazing fees over the same period.

We have heard the sanctimonious talk, Mr. Speaker, about the committee process and what goes on in the authorizing committees. The only safe thing here in the House of Representatives is that the majority rules and that the will of the majority be worked, and the majority of the House of Representatives last year by almost a majority of 100 votes, Mr. Speaker, said that it is time to end the grazing subsidy, and it is time, Mr. Speaker, to put an end to the free ride.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Rules Committee, from Glens Falls, NY.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his distinguished introduction.

Mr. Speaker, I guess I am one of the most recognized fiscal conservatives in this House, according to the National Taxpayers Union, but I cannot support this kind of a rule. Even though I support the gentleman from Georgia [Mr. DARDEN] in his position and have voted for his position, we must be fair to every single Member of this House at all times, not just on Mondays and Tuesdays, but every day of the week, every day of the year.

I agree fully with my colleague, the gentleman from California [Mr. DREIER] about the unusual nature of this rule. On the one hand, the rule provides for eliminating the Appropriations Committee's grazing fee increase on a point of order, yet on the other hand the rule turns around and protects a larger grazing fee increase amendment against the same point of order. What kind of sense does that make, Mr. Speaker?

You might call this a high diddle-diddle rule, since the cow has somehow jumped over the Moon and this rule makes about as much sense as that little nursery rhyme.

I appreciate that a similar rule protected a similar Synar grazing amendment last year, though it did not simultaneously eliminate an Appropriations Committee alternative. But I would remind my colleagues that last year's rule was also contentious. Only 14 Members on this side of the aisle supported it last year, and I hope not even that many do this year.

While it is true that Chairman WHITTEN specifically requested that the grazing fee language not be protected against a point of order, it apparently was not at the request of the chairman of the Interior Committee. His letter of June 20 to the Rules Committee only mentioned certain provisions relating to mining and national parks, which he felt should not be protected.

We were nevertheless informed that the Interior Committee chairman did not object to protecting the Synar amendment, but I do not think that necessarily reflected a consensus of the rest of the Interior Committee. I would ask members of that committee to stand up here and enlighten us on that.

It is little wonder then that this rule is more than a bit confusing and contradictory. I, frankly, find it extremely baffling.

Even though the Appropriations Committee supports eliminating its own grazing fee language, it is still counting on those receipts to keep this bill within the subcommittee's section 602(b) allocation under the budget agreement; and we all should be trying to stick to that budget agreement.

To top that off, the committee has restored some $213 million in firefighting funds that would put it over its discretionary cap, but it has avoided actually exceeding that ceiling by making the expenditure of these funds subject to the President's declaration of an emergency. What kind of legislation is that?

The administration strongly objects to this little budgetary loophole game that is being played on us, and says the money should be scored as part of the domestic discretionary spending pot, as well it should.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The time of the gentleman from New York has expired.

Mr. DREIER of California. Mr. Speaker, I yield the gentleman from Glens Falls an additional 2 minutes,

and I hope that he will be able to yield to the gentleman from Ohio in just a moment.

Mr. SOLOMON. In summary, Mr. Speaker, this little rule and the bill it makes in order are full of more games than are played at a Sunday school picnic, only they are not as innocent or as much fun. I, for one, cannot associate myself with this rule which is a masterpiece of creative gamesmanship.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I yield to a gentleman whom I respect as much as anyone in this House, the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I thank the gentleman for his kind words.

With respect to the point made by the gentleman on firefighting, in the past the OMB and the CBO both agreed that the firefighting appropriation should not be among the discretionary funds but should be mandatory, because it was money that had to be paid. This year both the OMB and the CBO decided that they were going to change their minds and make it discretionary. We were able to persuade the CBO that it really ought not to be totally discretionary, and the idea was to give the President the right to determine whether the firefighting was an actual emergency and the funds would then be made available. So that is the background.

I think firefighting funding should be mandatory, because the fires happen every year and it should be in the nature of a permanent appropriation.

Mr. SOLOMON. Well, Mr. Speaker, I certainly agree with the chairman. He makes a lot of sense.

My point is that if we do not make this a part of the discretionary pot, because we know these fires happen every year and probably this amount of money is not even enough as it is, we just are going to end up coming back with a supplemental budget request. And here we are going to increase the deficits further, and that is what we have got to get a handle on. I certainly do agree with the chairman. It makes a lot of sense.

□ 1510

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, I ask the gentleman from New York, is there any reason you could not have protected the language of the committee, as well as the Synar amendment, in the rule?

Mr. SOLOMON. There is no reason at all.

Mr. REGULA. Then the majority would have had a choice.

Mr. SOLOMON. The House would have been able to work its will. That is the point I was making about gagging certain Members, it does not matter which side of the aisle they are on.

Mr. DREIER of California. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. HAYES of Illinois). The gentleman from California [Mr. DREIER] has 19 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 21 minutes remaining.

Mr. GORDON. Mr. Speaker, my friend from New York [Mr. SOLOMON] made a plea for fairness in this rule. It seems that the ultimate fairness is to allow a majority of this House to work its will.

Last year a similar rule allowed the Synar amendment to be in order. It passed 251 to 155. That amendment was later taken out in conference. It seems that in fairness, this body should allow itself the opportunity to once again pass that amendment.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I think there is very little, or no, confusion why this rule—no confusion about this rule. You cannot argue it both ways.

When the attempt in the Interior authorizing committee, which I chair, was made to bring up the Darden amendment, we were put on notice by the Republican members of that committee that they would obstruct every effort to bring that to a vote in the committee. They did not want the bill to come up if the Darden amendment was going to be proposed, which is similar to the Synar amendment, to deal with grazing fees.

We were unable to deal with that bill in a comprehensive fashion because of those objections and the intent to obstruct the rest of the bills on the calendar of that bill if in fact grazing fees were going to be argued.

So they did not want to argue it in committee, now they argue here that you cannot argue it here because they did not argue it in committee.

You can pick your poison, but you cannot have it both ways.

We are not going to deny this House the ability to address this issue in this forum when we engage in those kinds of activities in the committee. It is very unusual for a chairperson of the authorizing committee to go along with the waiving of the rules with respect to legislation. But that is the choice that the minority made. That is the choice the minority made in the committee some many weeks ago.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am delighted to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

How many Members does the gentleman have on his side of the aisle?

Mr. MILLER of California. I have a majority.

Mr. YOUNG of Alaska. A big majority, yes.

Mr. MILLER of California. Yes.

Mr. YOUNG of Alaska. We all——

Mr. MILLER of California. Mr. Speaker, reclaiming my time, we understand the tactics that can be used to delay the agenda and the workings of the committee. The reason the rule is being waived on the mining law is because we believe we have an opportunity to work on that in a comprehensive fashion, and that should be done in that fashion on a bipartisan basis.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, with all due respect to my chairman, that is the biggest bunch of whatever the cow leaves behind on him on this public lands that I ever heard in my life. You have the majority of that committee, you have the majority of the committee. You use your proxies. If you wanted to vote that thing, we would have——

Mr. MILLER of California. The gentleman——

Mr. YOUNG of Alaska. I will not yield.

The SPEAKER pro tempore. The gentleman from Alaska controls the time.

Mr. YOUNG of Alaska. That is right, it is my time. You in fact did not want to have a vote on this because members on your side of the aisle did not want it. Do not lay the blame on our side, do not lay the blame on our side. You are circumventing that committee, of which I am the ranking member and you are the chairman, because you know good and well that if you had the hearing, you had the public input, the testimony would have been in favor of not raising those fees.

Mr. MILLER of California. Why did the gentleman not ask for a vote?

Mr. YOUNG of Alaska. The committee itself is being circumvented. So do not lay the blame on our side. Stand up like a man and say that your members did not want to vote it themselves. Your members did not want to vote on it. That is what it is all about. You did not want to vote on it. You are the chairman of that committee. Make your members vote on it.

Now we have a rule, a rule today that is absolutely wrong, Mr. Speaker. You know it, I know it, and besides that, read the Washington Post today.

You say you are frustrated because you are not in the majority because the President will veto the bill. I tell you, Mr. Speaker, this President will veto this bill if this Synar-Darden amendment is not eliminated.

I say to the gentleman from Georgia: You want to talk about the taxpayers.

Let us throw out the Georgia peanuts and the timber industry subsidies and all those farm subsidies that we get in Georgia. That is the next thing.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I would like to respond to the gentleman: The gentleman may not like the results of the threats made in the authorizing committee, but those are the results. There is no question we have the votes. But there is no question——

Mr. YOUNG of Alaska. Then use your votes.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] controls the time.

The gentleman from California will proceed.

Mr. MILLER of California. The choice was very simple, Mr. Speaker, either our committee could have its work for many, many weeks obstructed through the activities threatened by the gentleman's party with respect to the raising of the amendment in committee, or we could proceed. We chose to proceed, and if this amendment has to be addressed in this committee, it is very unfortunate that this is the only avenue that is available to us. But it is quite proper, it is within the rules; the rules have been waived. We will have a debate on this floor today on the Synar amendment. The Synar amendment will either win or lose. That is the nature of this body.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, in addition to this problem which has been debated so hotly so far, the fact of the matter is we are waiving points of order again. And as a result, in opposition to the rules of the House, we are going to be able to legislate on an appropriations bill. And what that means very simply is we are going to be able to put pork into this bill that otherwise could be taken out by simply raising the point of order up here.

I know of two amendments that I intend to propose that is going to cost the taxpayers over $5.5 million in pork that could be taken out strictly on a point of order, but you are waiving it. That is wrong. That is wrong. We should not be waiving points of order in these bills.

The gentleman from Ohio [Mr. TRAFICANT] raised a lot of points of order a couple of weeks ago, and everybody got upset about that because he took a lot of pork out and made a lot of people mad. But the fact of the matter is that is why we have that in the procedure. We should not be waiving points of order. It is wrong. There is an awful lot of waste going on in this Government, and this contributes to that waste.

We are going to face a $350 billion to $400 billion deficit this year, and you are contributing to it with this kind of a rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I rise in support of the rule. This is a simple and fair rule.

I think the importance of the rule is indicated by the vehemence of the other side claiming that this rule allows us to hide pork in this budget. The answer is a question of when is pork beef? In this case, pork is beef when we are talking about the outrageous $650 million subsidy for some of the richest corporations in America.

Talk about pork, that is pork right on that cattle, and it is all fat. And this bill, this rule will allow us to turn that fat into something useful, to end the subsidy and to begin to protect our public lands.

The issue on this rule is very simple: It is an issue of whether the House is going to be able to work its will.

A small minority of people who have constituents who have benefited enormously from the $650 million subsidy will stop at nothing to prevent the issue from coming to the floor.

Last year the amendment, the Synar amendment, passed 251 to 155. I cannot see what objection anybody could possibly have to voting on the Synar amendment, to eliminating this outrageous subsidy for a handful of very wealthy individuals.

One of the cattlemen who is receiving this subsidy has a ranch that is bigger than my entire State of Massachusetts. At some point we need to say enough, enough to this kind of subsidy.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. ATKINS. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, I know the gentleman is concerned about, I guess, an alleged subsidy to fat cat livestock operators, but most of the stockmen, 80 percent who do graze livestock on public lands, these are operators of small, independent businesses, most of whom make $28,000 or less per year. To be economically viable, they must utilize public lands.

Mr. ATKINS. Reclaiming my time, I might suggest that Union Oil Co., Getty Oil, Texaco, Texaco, Inc., Zenchiku Co. of Japan, those are not small operators.

□ 1520

Mr. Speaker, Mr. Daniel H. Russell of Santa Barbara, CA: 5 million acres; that is not a small operator. These are some of the wealthiest people in corporations, not only in this country, but in the world, who are getting an outrageous subsidy.

Mr. DREIER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong opposition to the Synar amendment. The magnitude of the proposed fee increase is ludicrous, over 400 percent. Furthermore, as a member of both the Appropriations and Interior and Insular Affairs Committees, I take exception to the gentleman from Oklahoma's procedural tactics.

Last year Mr. SYNAR prevailed here on the floor with this same amendment. Fortunately, the Senate deleted the measure. The Interior Committee took to heart Mr. SYNAR's shot across the bow, and we have been working on this issue.

On March 12 of this year, the National Parks and Public Lands Subcommittee, of which I am a member, held a hearing on Mr. SYNAR's proposal, as well as other related legislation. Further, it is my understanding that the House Agriculture Committee plans to hold field hearings this year. So why this clear violation of authorizing committee jurisdiction? We on the authorizing committees are working on this issue. What is Mr. SYNAR's real agenda here? To end grazing on the public lands?

Both the Nevada cattlemen and the Nevada Farm Bureau have made numerous invitations to Mr. SYNAR to come to Nevada and see public-lands ranching first hand, only to be rebuffed. Why? What is the real agenda here?

Mr. Speaker, Secretary of Agriculture Madigan, and BLM Director Jamison, have both sent letters in opposition to the amendment. Yet, the gentleman from Oklahoma is closing his eyes to the opinions of those who work with the land, and is attempting to circumvent the authorizing committees. There is simply not enough time to fully explore the merits of the issue on the House floor. However, I will say this, the amendment is ridiculous on its face—no fee or tax has ever been increased by more than 400 percent in one fell swoop. Public-lands ranching deserves more than only 1 hour of debate. What about the fact-finding responsibility of the authorizing committees?

Is this legislative body ready to leave hanging the fate of an entire industry in one man's hands?

The gentleman from Oklahoma has been waving around and quoting from a brandnew—not even a week old—GAO report, which no one had seen until last Friday. Now, my question is this: If Mr. SNYAR's case is as strong as he makes it out to be while citing this GAO report, why will he not bring his

case to the authorizing committees? Why is he not letting the Interior and Agriculture Committees do their jobs? What is the real agenda here?

Mr. Speaker, I urge the defeat of the Synar amendment and this rule.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and I want to, Mr. Speaker, reemphasize the fact that this bill properly was sent by the Speaker to the authorizing committees of Agriculture and Interior, as has been stated here accurately. Both those committees of jurisdiction held hearings. The Committee on Interior and Insular Affairs did not act because there were not votes enough to get this bill out after the hearing, and this is this year, not last year. The Committee on Agriculture is going to hold hearings.

Mr. Speaker, the process is wrong here. The Committee on Appropriations viewed this issue and determined that there could be a point of order held against a Synar amendment because it was legislating on an appropriations bill, and correctly so. Now suddenly the Committee on Rules has decided that we should hear this bill on the floor, which absolutely violates, in my opinion, the rules of the House.

The premise is wrong in this bill because simply the grazing fee is not a subsidy, Mr. Speaker, and I will prove that in my debate later on. The BLM charges more money, Mr. Speaker, for grazing on public lands than is actually necessary to range cattle on the public lands, $1.66 versus $1.97. Second, it costs more to operate on public ranges than it does on private ranges, and I will explain that later.

So, the process is wrong here, the premise is wrong, and we ought not to support this rule, and we surely ought not to throw 31 families off the public ranges in the West because of the amendment of the gentleman from Oklahoma [Mr. SYNAR].

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to protest what I consider to be an end run around the proper legislative process, and I tell my colleagues that it makes me and some of the others from the West a little bit sick that this thing gets boiled down to partisanship and bickering every year. I am on the left side of the aisle here, but I think I am on the right side of this issue, and the right side of this issue for me is to let the committee process do its work the way it was supposed to be. We are continually told, "Don't try to legislate on an appropriations bill," and yet we continually do it when we talk about raising the grazing permits.

I heard some talk by one of my colleagues a few minutes ago about the millionaire ranchers that are, if I can paraphrase it, ripping off taxpayers with their large holdings, but I want to tell my colleagues that for every one like that there are literally thousands of very small ranchers dependent upon the public lands to use those grazing permits, and it just seems to me that, if we are going to correct the problem, we ought to do it in some manner that we can weed the abusers out and not throw the whole system out and thereby throw a lot of very small ranchers and farmers off the public lands.

I would urge my colleagues not to support this rule and would say that we did have one hearing, and we have a couple of others scheduled in committee. I have a bill in with about 25 cosponsors. It seems to me that we should not just lock out those 25 people. Most of them are from the West, are Democrats and Republicans both. If we are really going to be a House of fairness, we have to bring it through the committee process and let those 25 cosponsors of that bill be heard and deal with it in its proper fashion.

Mr. Speaker, I also want to mention my friend and colleague, the gentleman from Oklahoma [Mr. SYNAR], did come to Colorado at my request to talk to some of the ranchers in my part of the State. Apparently we did not teach him very well, but I promise, if he will come back, we will teach him.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in opposition to the rule, and I apologize for the voice quality, but it is the best I can do under the circumstances.

Mr. Speaker, there is an old song Willie Nelson sings, and that is:

> Momma, don't let your babies grow up to be Congressmen . . . because they'll try to cross a pig with a cow, and they come out with these grazing fees.

Mr. Speaker, we fought this issue time and time again, and I appreciate the gentleman from Oklahoma, and the gentleman from Massachusetts and the gentleman from Georgia for their dedication and their distortion. It is absolutely marvelous. I do want to say that, as a member of the Interior Appropriations Subcommittee, I testified before the Committee on Rules last week against making the Synar grazing-fee amendment in order, and the Committee on Rules did not protect from a point of order the section of the bill that increased grazing fees by one-third, and I appreciate my chairman playing that straight with me, as he did, very much.

□ 1530

But then the committee makes in order an amendment increasing the fees by over 400 percent. Mr. Speaker, where is the consistency in that?

The SPEAKER pro tempore. (Mr. HAYES of Illinois). The time of the gentleman from New Mexico [Mr. SKEEN] has expired.

Mr. DREIER of California. Mr. Speaker, I yield 30 additional seconds to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER]. I believe my voice is getting better. I think I am warming to the subject.

Where is the consistency in that? How can the actions of the Appropriations Committee not be made in order and the capricious amendment of one Member be made in order? Where is the logic in that?

I have heard the arguments about this being offered to the authorizing committee, but there seems to be some problem in getting it through the authorizing committee, even with this majority of support it had the last time.

I cannot in good honesty let an issue so important to the livelihoods of 38,000 small ranchers in the West be determined through this sort of a parliamentary maneuver. We should not let one Member undermine our beef production and throw these families out of business.

Mr. Speaker, I ask the Members to defeat the rule and support the rules of the House.

Mr. Speaker, I rise in opposition to the rule.

As a member of the Interior Appropriations Subcommittee, I testified before the Rules Committee last week against making the Synar grazing fee amendment in order. The Rules Committee did not protect from a point of order the section in the bill increasing grazing fees by one-third, but then the committee makes in order an amendment increasing the fees by over 400 percent.

Mr. Speaker, where is the consistency? How can the action of the Appropriations Committee not be made in order and the capricious amendment of one Member be in order? Where is the logic here?

I could certainly understand making this amendment in order if the authorizing committees were unwilling to act. But that is not the case. Chairman MILLER on the Interior and Insular Affairs Committee is holding hearings on the Synar bill and the Agriculture Committee has legislation before it now. Let an issue so important to the livelihood of 38,000 small ranchers in the West be determined in the proper channel. Do not let one Member undermine our beef production and throw families out of business.

Defeat the rule and support the rules of the House.

Mr. GORDON. Mr. Speaker, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to a hard-work-

ing member of the Committee on Appropriations, the gentleman from Tucson, AZ [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, the gentleman from Georgia said that the subcommittee of the Appropriations Committee did good work on this bill, and I agree with him, but that is not the issue we are debating here today. We are debating the rule, and the rule makes in order an amendment that is not a good amendment. It makes in order an amendment that ought not to be considered by this body. It makes in order an amendment that should be considered by the authorizing committee.

I find it ironic indeed that here we are again acting as members of the Appropriations Committee and we are harkening back to just 3 weeks ago when we went through this before, when the authorizing committee tried to do an end run around itself because it could not deal with the problem, so it comes to the Appropriations Committee.

How many times have we heard members of the authorizing committee stand up and wring their hands over the Appropriations Committee doing something against the authorizing committee? But here we are with the authorizing committee not only standing up and saying it is good but it is endorsing the idea of what we are doing here. The fact is, the authorizing committee did have debate on this bill. The fact is, they did not get this amendment out. The fact is, there is no support in the authorizing committee for this, and we ought not to be considering this on the floor today. This simply reduces the authorizing committee to some kind of irrelevancy.

We have heard a good deal about the GAO report. It took me an arm and a leg, it took me knocking some teeth together on Friday to get copies of that GAO report, and here we are the next legislative day and we are going to consider the GAO report as being some kind of a bible on this issue. We ought to have time for the authorizing committee to consider it. There are many arguments that we will have a chance to consider during the course of the debate against the Synar amendment itself, but for the moment we ought to consider that this is a violation of the process.

Mr. Speaker, we ought not make this in order. We ought to defeat the rule.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a hard-working member of the Committee on Interior and Insular Affairs and the ranking member of the Subcommittee on Water, Power and Offshore Energy Resources.

Mr. HANSEN. Mr. Speaker, again, this issue has made an end run around the Interior Committee. We in the Interior Committee have shown a willingness to properly deal with this issue. A vote on this measure should have taken place during debate on BLM authorization several weeks ago in the committee and not here on the House floor on an appropriations bill. Without any votes within the committee of jurisdiction over grazing fees, Congress will vote to raise fees from $1.97 per AUM to over $8.70 per AUM. This is an unfair tactic that should be rejected.

For many of you who think that this is a free environmental vote, let me tell you what the consequences would be if this measure were to be passed into law. If grazing fees were raised from $1.97 per AUM to over $8.70 per AUM the effect in the West would be as if we in Congress outlawed cattle stockyards and oil wells in Oklahoma. It would be as if we voted to do away with football in Norman, OK.

Many of you remember this debate from previous years. The arguments for raising the grazing fees are many, but the bottom line is to force cattle off of the public lands. Raising the fees by five times would no doubt have the effect that proponents of "Cattle Free in '93" are trying to achieve.

Over 80 percent of the land in my State is owned by the public. In some of the counties in my district, only 2 percent of the land area is privately owned. Livestock growers in my State and throughout the West are highly dependent on public lands for animal forage. Well over 50 percent of the livestock in Utah depend on public land forage at some time of the year. The majority of rural communities in the West are economically dependent on the use of public lands for grazing livestock. The loss of the livestock industry would threaten the existence of schools, businesses, and public services.

I am deeply concerned about rhetoric that would have you believe that there is an enormous amount of savings to be achieved by this measure. Where is the savings? In March of this year, Cy Jamison, Director the BLM appeared before the Interior Committee. He estimated that revenues from BLM land grazing would plummet from $18 million per year to not more than $1 million per year if this measure was adopted. The proposed fee increase would price all livestock off the Federal lands resulting in a loss of grazing fee revenue. A loss of $17 million does not constitute much savings.

Many argue that rich Western ranchers are profiting from subsidies from the Federal Government. The truth is that according to the BLM, 87 percent of ranchers who graze public lands are considered small, family farmers. In fact, statistics show that the average ranch family earns less than $28,000 and many earn much less than that.

I ask you to take a look at the environmental effect that grazing on the public lands has had. According to the BLM, today the public ranges of this Nation are in the best condition that they have been in this century. Ranchers have worked hard to be a part of this. Farmers and ranchers are the true environmentalists. It is in their own self-interest to improve the land. Grazing promotes plant vitality, increases wildlife, and overall benefits the management of the public lands.

Livestock producers have built tens of thousands of watering sites, roads, and fences. They have also utilized erosion control methods and improved Western watersheds that have helped increase the big game populations dramatically.

In "State of the Public Rangelands 1990," the BLM states that public rangelands are in better condition now than at any time in this century, and continue to improve. I have been with countless land management experts who have told me time and time again of the benefits of controlled grazing to promote plant vigor and diversity.

All we are asking for is fairness. This issue deserves to be properly debated in the committee of jurisdiction. I strongly urge you to vote against this measure. Bringing this issue up on an appropriations bill, without proper consideration in the committee of jurisdiction is the wrong approach.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the very patient gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in strong opposition to allowing the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

Fifty percent of the land in Wyoming is owned by the Federal Government. The majority of this land is not withdrawn for special purposes such as wilderness or national parks but is rather mandated by the Federal Government for multiple use. I can recall reading that in our State in the early years there was practically no wildlife. Multiple use has brought forth waterholes, it has brought forth fencing, and it has brought forth a great deal more opportunity for hunting than we had before, and cattle and grazing contribute to this.

We also asked Cy Jamison at one of our meetings what it would cost to manage the lands without livestock, and he indicated it would be more than half of what it costs with livestock. Therefore, the fee being paid has reduced the cost to the Federal Government, not increased it, by having livestock there.

Mr. Speaker, I think this is a terribly important issue to those in the West whose economic futures depend on the multiple use of public lands. The Synar amendment is a bad idea, and I urge the Members of this House to vote against the measure.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, this Nation has a choice to make. It is a choice of whether we are going to harvest a renewable resource. There has been a prevalent attitude in this body to throw the cowboys off the range, to drag the miners out of the hills, and, while we are at it, to close down the timber industry with the Endangered Species Act. We as a Nation must decide whether we will secure that revenue from harvesting a renewable resource that is environmentally sound from our public lands.

The great tragedy we face is that if we pass the Synar-Darden amendment, we will mandate by turning our public range land over to the very wealthy, those who can spread the cost of grazing across vast tracts of land, fee land and public land, and thereby recapture that investment that they make in grazing on public land.

□ 1540

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I obviously join Members in opposing this rule, in opposing the Synar amendment, and oppose having it come before the floor on an appropriations bill, when it has not been considered by the authorizing committee.

Mr. Speaker, on the off chance I may not be able to address the House during consideration of the amendment itself, I simply want to take this opportunity to make one point: Last year in debate on this particular measure the gentleman from Oklahoma [Mr. SYNAR] emphasized the fact that those who lease State public lands for grazing purposes pay substantially more than those who lease Federal public lands for grazing purposes, and use a specific example of a fee of some $5.50 per animal unit per month on Arizona State public lands.

Mr. Speaker, that figure was incorrect then, and, if the gentleman from Oklahoma [Mr. SYNAR] chooses to use that figure again this year, I want to make the point right now, in case I cannot make it later, that the Arizona State grazing fee for grazing on State public lands is $1.50 per animal per month, not $5.50.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is apparent that we have witnessed a fascinating debate on the issue of grazing fees here. But that is really only part of the question. The fact of the matter is we have seen a blatant violation of clause 2 of rule XXI. We have not only seen legislating in an appropriation bill, we have also seen legislating in the Committee on Rules itself.

Mr. Speaker, because of the fact that we do not treat this issue fairly all the way around, I urge a no vote on this rule in the name of fairness, and yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind Members that last year a similar piece of legislation came before us and it passed 251 to 155. Certainly this House should have the right to work its will on this issue. For that reason, I urge adoption of this rule.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered

The SPEAKER pro tempore (Mr. HAYES of Illinois). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 168, answered "present" 1, not voting 63, as follows:

[Roll No. 188]

YEAS—200

Ackerman	Dingell	Jones (GA)
Alexander	Dixon	Jones (NC)
Anderson	Donnelly	Jontz
Andrews (ME)	Downey	Kanjorski
Andrews (NJ)	Durbin	Kaptur
Andrews (TX)	Dwyer	Kennedy
Annunzio	Early	Kennelly
Anthony	Eckart	Kildee
Applegate	Edwards (CA)	Kleczka
Aspin	Engel	Kolter
Atkins	Erdreich	Kostmayer
Bacchus	Evans	LaFalce
Barnard	Fascell	Lantos
Bennett	Fazio	Lehman (FL)
Berman	Feighan	Levin (MI)
Bevill	Flake	Lewis (GA)
Bilbray	Foglietta	Lipinski
Bonior	Ford (MI)	Lloyd
Borski	Frank (MA)	Long
Boucher	Gaydos	Lowey (NY)
Brooks	Gejdenson	Luken
Browder	Geren	Manton
Brown	Gibbons	Markey
Bruce	Glickman	Matsui
Bryant	Gonzalez	Mazzoli
Bustamante	Gordon	McCloskey
Byron	Gray	McCurdy
Cardin	Green	McDermott
Carper	Hall (OH)	McHugh
Carr	Hamilton	McMillen (MD)
Chapman	Harris	McNulty
Clement	Hatcher	Miller (CA)
Clinger	Hayes (IL)	Mineta
Coleman (TX)	Hayes (LA)	Mink
Collins (MI)	Hefner	Moakley
Conyers	Hertel	Mollohan
Cooper	Hoagland	Montgomery
Costello	Hochbrueckner	Moody
Cox (IL)	Horn	Moran
Cramer	Hoyer	Mrazek
Darden	Huckaby	Murtha
DeLauro	Hughes	Natcher
Dellums	Hutto	Neal (NC)
Derrick	Jefferson	Nowak
Dicks	Johnston	Obey
Olver	Sabo	Synar
Ortiz	Sanders	Tanner
Pallone	Sangmeister	Thomas (GA)
Panetta	Sarpalius	Thornton
Patterson	Sawyer	Torricelli
Pease	Scheuer	Traxler
Pelosi	Schroeder	Unsoeld
Perkins	Sharp	Valentine
Pickett	Sikorski	Vento
Poshard	Sisisky	Visclosky
Price	Skaggs	Volkmer
Rahall	Skelton	Waters
Rangel	Slattery	Weiss
Ray	Slaughter (NY)	Wheat
Reed	Smith (IA)	Whitten
Richardson	Solarz	Wilson
Roe	Spratt	Wise
Roemer	Staggers	Wolpe
Rose	Stark	Wyden
Rostenkowski	Studds	Yates
Rowland	Swett	Yatron
Roybal	Swift	

NAYS—168

Allard	Hastert	Porter
Archer	Hefley	Pursell
Armey	Henry	Quillen
AuCoin	Herger	Ramstad
Baker	Hobson	Ravenel
Ballenger	Horton	Regula
Barrett	Houghton	Rhodes
Barton	Hubbard	Riggs
Bateman	Hunter	Rinaldo
Bentley	Hyde	Ritter
Bereuter	Inhofe	Roberts
Bilirakis	Ireland	Rogers
Boehlert	Jacobs	Rohrabacher
Boehner	James	Ros-Lehtinen
Brewster	Johnson (CT)	Roth
Broomfield	Johnson (SD)	Roukema
Bunning	Johnson (TX)	Santorum
Burton	Kasich	Savage
Callahan	Kolbe	Saxton
Camp	Kyl	Schaefer
Campbell (CO)	Lagomarsino	Schiff
Coleman (MO)	LaRocco	Schulze
Combest	Laughlin	Sensenbrenner
Condit	Leach	Shaw
Coughlin	Lehman (CA)	Shays
Crane	Lewis (CA)	Shuster
Cunningham	Lewis (FL)	Skeen
de la Garza	Lightfoot	Slaughter (VA)
DeFazio	Livingston	Smith (NJ)
Dickinson	Lowery (CA)	Smith (OR)
Dooley	Marlenee	Smith (TX)
Doolittle	Martin	Snowe
Dorgan (ND)	McCandless	Solomon
Dornan (CA)	McCollum	Spence
Dreier	McCrery	Stallings
Duncan	McDade	Stenholm
Edwards (OK)	McEwen	Stump
Edwards (TX)	McGrath	Sundquist
Emerson	McMillan (NC)	Tallon
English	Meyers	Taylor (MS)
Fawell	Michel	Taylor (NC)
Fields	Miller (OH)	Thomas (CA)
Fish	Miller (WA)	Thomas (WY)
Franks (CT)	Molinari	Upton
Gallegly	Moorhead	Vander Jagt
Gilchrest	Morella	Vucanovich
Gilman	Morrison	Walker
Gingrich	Myers	Walsh
Goodling	Nagle	Weldon
Goss	Nichols	Williams
Grandy	Nussle	Wolf
Gunderson	Olin	Wylie
Hall (TX)	Oxley	Young (AK)
Hammerschmidt	Penny	Young (FL)
Hancock	Peterson (FL)	Zeliff
Hansen	Petri	Zimmer

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—63

Abercrombie	Coyne	Gephardt
Beilenson	Dannemeyer	Gillmor
Bliley	Davis	Gradison
Boxer	DeLay	Guarini
Campbell (CA)	Dymally	Holloway
Chandler	Espy	Hopkins
Clay	Ford (TN)	Jenkins
Coble	Frost	Klug
Collins (IL)	Gallo	Kopetski
Cox (CA)	Gekas	Lancaster

Lent	Owens (NY)	Schumer
Levine (CA)	Owens (UT)	Serrano
Machtley	Packard	Smith (FL)
Martinez	Parker	Stearns
Mavroules	Paxon	Stokes
Mfume	Payne (NJ)	Tauzin
Murphy	Payne (VA)	Torres
Neal (MA)	Peterson (MN)	Towns
Oakar	Pickle	Washington
Oberstar	Ridge	Waxman
Orton	Russo	Weber

□ 1606

The Clerk announced the following pairs:

On this vote:

Mr. Lancaster for, with Mr. Owens of Utah against.

Mr. Dymally for, with Mr. Orton of Utah against.

Mr. Guarini for, with Mr. Packard against.

Mr. BOEHNER and Mr. EDWARDS of Texas changed their vote from "yea" to "nay."

Mr. KOLTER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote No. 188. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 188—Yea on passage of House Resolution 179, the rule regarding consideration of H.R. 2686, the Department of Interior and related agencies appropriations bill for fiscal year 1992.

PERSONAL EXPLANATION

Mr. DANNEYEYER. Mr. Speaker, I was unavoidably away from the House. I was unable to vote on one rollcall vote. Please let the record stand that would have voted "no" on rollcall 188, the rule for the Interior appropriation bill.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON TUESDAY, JUNE 25, 1991

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Tuesday, June 25, 1991.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2686 which we are about to consider, and that I may be permitted to include tables, charts, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Mr. GORDON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring before the House for consideration today, the Committee on Appropriations' recommendations for funding for the Department of the Interior and Related Agencies for fiscal year 1992. The general theme of this appropriations bill is the continued operation, with no frills, of the many essential activities this bill supports. Those programs include most of the Department of the Interior, including all our national parks and wildlife refuges; essential energy research on conservation and fossil fuels in the Department of Energy; Forest Service programs; the Indian Health Service; the National Foundation on the Arts and the Humanities; the Smithsonian; and a wide range of smaller advisory agencies. The bill emphasizes the operational needs of our national wildlife refuges, parks and forests, the educational and health needs of American Indians and Alaskan Natives, and the continuation of needed energy research.

The activities in this bill are expected to generate receipts to the Treasury of approximately $7.3 billion in fiscal year 1992, which goes a long way toward offsetting the recommended new budget authority.

The Interior bill is within the budget allocation put forward under section 602(b) with respect to both budget authority and outlays. I would point out the outlay amount in this bill is below our outlay level for fiscal year 1991. The discretionary budget authority, including scorekeeping adjustments, will be $13.2 billion. The discretionary budget authority for fiscal year 1991 is $12.7 billion. The growth between 1991 and 1992 is $500 million or approximately 3.9 percent.

This modest increase was quickly eaten into by an increase of $66.4 million over 1991 to meet the terms of compulsory Indian settlements, and $45 million for the Tongas National Forest in Alaska, which used to be a permanent appropriation.

The fixed costs of items in the Department of the Interior such as pay raises, Federal employee retirement system costs, space charges, telephone bills, and other similar non-flexible expenses, have gone up by approximately $190 million.

The costs from previous appropriations associated with the Clean Coal Program go up in 1992 by $74 million while budget authority for oil acquisition for the strategic petroleum reserve will be up approximately $290 million.

So you can see that little or no money overall went for increases to ongoing programs in the bill.

We have, to the best of our ability, incorporated in this bill the interests expressed by Members. Roughly 370 Members either testified before the subcommittee or sent in written requests for consideration. We received over 3,000 individual program or project-specific requests from Members.

Many of you are interested in the land and water conservation fund. We have provided $320,462,000 in this bill for the land and water conservation fund. Of this amount, $23,500,000 is for State grants with the balance allocated among the four land managing agencies under our jurisdiction.

In order to stay within our allocation, we were unable to fund any of the

40 new starts for visitors centers which were requested by members. We also generally were unable to fund program expansions. Several of the accounts in the bill are recommended for funding below current levels. They include the Fish and Wildlife Service, the Bureau of Mines, the Office of Surface Mining, the Territories, fossil energy research and development, and the Pennsylvania Avenue Development Corporation.

The bill establishes an emergency firefighting fund in both the Department of the Interior and the Forest Service, and provides the amounts requested by the administration for emergency purposes. These amounts are $100 million for the Department of the Interior and $112 million for the Forest Service.

The bill conditions the use of these firefighting funds on a determination by the President that these funds are an emergency requirement according to the Balanced Budget and Emergency Deficit Control Act of 1985, and does not allow the use of other funds for firefighting until this is done and these funds are spent. This arrangement prevents borrowing from important appropriations accounts to pay for emergency firefighting. Such emergency borrowing has been necessary constantly over the years, and inhibits important programs including land acquisition and construction in the Department of the Interior for the Bureau of Land Management, the National Park Service and the Fish and Wildlife Service, and reforestation in the Forest Service. I would point out that these funds are not for the normal operation of fire prevention programs or for the basic personnel that support those ongoing programs. Rather, they are for emergency measures required during firefighting.

Moratoria on OCS leasing and related activities are continued in the bill this year, with an expanded area in the Atlantic, from Rhode Island south into Florida, recommended for protection from any new leasing efforts. The entire Pacific and Atlantic coasts are covered by these moratoria, as is the Eastern Gulf of Mexico and Bristol Bay in Alaska.

We have included funds to continue hospital and clinic construction to service Indian health needs. The administration, again this year, included no funding in its budget request for Indian hospital construction. The recommendations before you increase funding for Indian health services as well. The unmet need for these services is still estimated to be in excess of $500,000,000. An additional $360,000,000 would be needed to complete construction of the hospitals and clinics on the current IHS priority list and another $500,000,000 for the backlog of needed water and sewer systems for existing Indian homes.

Funding is included for a special initiative on the Pacific yew, including $1,750,000 for research and $1,100,000 for reforestation and cooperative efforts with the National Cancer Institute. The Pacific yew is the only known source of the drug taxol, which has shown significant activity against ovarian cancer, as well as promising results against breast cancer. It is projected that 50,000 women will die from these diseases this year. Taxol is in short supply, and this initiative will help ensure that taxol will be more readily available for continued experimentation while also recognizing the value and importance of the Pacific yew as a significant environmental resource in and of itself.

Staying within the budget agreement has not been easy. We all are faced with the long-term ramifications of the belt tightening we have begun to feel in earnest this year. Under the budget agreement, the prospects for our programs only get gloomier next year and the year after. We cannot place on hold indefinitley many of the needed program expansions and improvements. In this bill those needs involve the operation of our national parks and other land management programs; improved services to Indians and Alaskan Natives, especially in the education and health areas; expansions to existing energy research to enable cleaner and more efficient use of limited resources and to develop alternatives which will decrease our dependence on non-renewable and imported sources; and investments in the cultural resources represented by historic preservation, arts, and museum programs. We have a responsibility to preserve these resources for our children and grandchildren and for generations to come.

It has come to the committee's attention that the General Accounting Office has recently taken the position that funds appropriated for the operation of Indian programs are available to pay for claims against the Government. The specific case in point is the Navajo Tribe, et al. versus Lujan. The case involves the use of funds previously held in the Indian moneys proceeds of labor account and the settlement amount is $749,500.

It is the opinion of the committee that funds appropriated for the operation of Indian programs are not available for the payment of judgments against the Secretary, but rather are available only to carry out those activities specified in the bill and report language accompanying the annual appropriations act.

Congress has provided for the payment of judgments against the United States by the adoption of legislation for a permanent judgement appropriation. This is the proper source of funds to pay the award and the committee believes the General Accounting Office should move expeditiously to transfer such funds as are required for the settlement from the fund to the Bureau of Indian Affairs in satisfaction of the claim.

Before closing, I feel compelled to address the question of potential points of order against the bill. The Interior Committee has complained about certain provisions in the bill that have been in law for many years and without which the smooth operation of programs will be impeded. As an example, the language, questioned by the authorizing committee, for the Office of Surface Mining has been carried for years.

In the OSM Regulation and Technology account the language with respect to civil penalties permits the use of these funds for needed coal mine reclamation by the Federal Government or by the States. This provision is consistent with the intent of the AML reauthorization as expressed in section 402(g)(4)(D). The agency lawyers have said the language as it currently exists needs to be continued to allow them to continue to use these funds. Likewise, the proviso on OSM paying for travel of State and tribal representatives attending OSM-sponsored training has been a tremendous help to getting these people trained and to improving individual programs managed by the States and tribes. Deleting these longstanding provisions would hurt the program.

In the abandoned mine reclamation fund account the provisos that would be struck also are longstanding and essential to the continued smooth operation of the OSM program. In particular, the first two provisos in question should be retained. The first involves allowing the OSM to use up to 20 percent of delinquent debt recoveries to pay for contracts to collect these debts. The second limits administrative expenses for the rural abandoned mine program [RAMP] to 15 percent of the funds available, therby ensuring that the vast majority of these funds go to actual reclamation work.

It should be noted that the committee, to a great extent incorporated the provisions in the AML reauthorization including: a $2 million minimum program for certain States; funding of emergencies separate from State grants; and increased funding for the Small Operator Assistance Program.

I would point out that there is a printing error on page 118 of the report that accompanies the bill. The fifth direction to the Indian Health Service on that page should read: "The IHS will include in future budget requests funds sufficient to provide services to new tribes at the average level of services IHS-wide."

Mr. Chairman, I want to commend all the members of the subcommittee for their contributions to this bill, especially the ranking minority member, RALPH REGULA. All the members

should be recognized for their efforts. So my thanks go to JOHN MURTHA, NORMAN DICKS, LES AUCOIN, TOM BEVILL, CHET ATKINS, JOE MCDADE, BILL LOWERY and JOE SKEEN.

I also want to thank the committee staff, including the Director Neal Sigmon and his associates Bob Kripowicz, Kathleen Johnson, Loretta Beaumont, Angie Perry, and Tom Barnes. On my personal staff credit goes to Adrianne Moss and Eric Puchala.

This is a reasonable bill within the very tight restrictions imposed on the committee by the budget agreement. It is a diverse, complex and good bill. I believe it is worthy of your full support.

Tables detailing the accounts in the bill follow:

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	497,491,000	525,578,000	518,865,000	+19,374,000	-6,713,000
Firefighting	167,880,000	222,879,000	122,010,000	-45,870,000	-100,869,000
Emergency Department of the Interior Firefighting Fund	.....	.....	(100,869,000)	(+100,869,000)	(+100,869,000)
Construction and access	15,305,000	8,534,000	12,503,000	-2,802,000	+3,969,000
Payments in lieu of taxes	104,450,000	105,000,000	105,000,000	+550,000	.....
Land acquisition	15,567,000	47,530,000	33,640,000	+18,073,000	-13,890,000
Oregon and California grant lands	84,033,000	84,094,000	93,074,000	+9,041,000	+8,980,000
Range improvements (indefinite)	10,188,000	10,687,000	10,687,000	+499,000	.....
Service charges, deposits, and forfeitures (indefinite)	7,968,000	8,000,000	8,000,000	+32,000	.....
Miscellaneous trust funds (indefinite)	7,130,000	7,285,000	7,285,000	+155,000	.....
Total, Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	-948,000	-110,523,000
United States Fish and Wildlife Service					
Resource management	473,776,000	517,137,000	509,891,000	+36,115,000	-7,246,000
Construction and anadromous fish	92,825,000	50,147,000	71,102,000	-21,523,000	+20,955,000
Land acquisition	100,620,000	62,030,000	87,722,000	-12,898,000	+25,692,000
National wildlife refuge fund	10,942,000	14,066,000	11,000,000	+58,000	-3,066,000
Rewards and operations	995,000	1,201,000	1,201,000	+206,000	.....
North American wetlands conservation fund	14,921,000	15,021,000	.....	-14,921,000	-15,021,000
Natural resource damage assessment fund	.....	5,000,000	3,740,000	+3,740,000	-1,260,000
Cooperative endangered species conservation fund	.....	5,705,000	6,705,000	+6,705,000	+1,000,000
Total, United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	-2,518,000	+21,054,000
National Park Service					
Operation of the national park system	876,699,000	970,526,000	969,047,000	+92,348,000	-1,479,000
National recreation and preservation	18,302,000	28,949,000	23,420,000	+5,118,000	-5,529,000
Historic preservation fund	34,483,000	35,931,000	35,931,000	+1,448,000	.....
Construction	270,446,000	115,896,000	237,506,000	-32,940,000	+121,610,000
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
Urban park and recreation fund	19,895,000	.....	10,000,000	-9,895,000	+10,000,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	.....	.....
Land acquisition and state assistance	138,792,000	117,645,000	108,365,000	-28,427,000	-9,280,000
John F. Kennedy Center for the Performing Arts	21,039,000	22,945,000	22,945,000	+1,906,000	.....
Illinois and Michigan Canal National Heritage Corridor Commission	249,000	.....	250,000	+1,000	+250,000
Total, National Park Service (net)	1,347,905,000	1,261,892,000	1,377,464,000	+29,559,000	+115,572,000
Geological Survey					
Surveys, investigations, and research	570,698,000	563,100,000	589,499,000	+18,801,000	+26,399,000
Minerals Management Service					
Leasing and royalty management	195,995,000	233,514,000	208,090,000	+12,095,000	-25,424,000
Payments to States from receipts under Mineral Leasing Act	.....	610,000	.....	.....	-610,000
Total, Minerals Management Service	195,995,000	234,124,000	208,090,000	+12,095,000	-26,034,000
Bureau of Mines					
Mines and minerals	181,227,000	156,123,000	175,890,000	-5,337,000	+19,767,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,351,000	112,458,000	110,250,000	+899,000	-2,208,000
Receipts from performance bond forfeitures (indefinite)	1,492,000	1,500,000	1,500,000	+8,000	.....
Total	110,843,000	113,958,000	111,750,000	+907,000	-2,208,000
Abandoned mine reclamation fund (definite, trust fund)	198,958,000	158,035,000	190,200,000	-8,758,000	+32,165,000
Total, Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	-7,851,000	+29,957,000
Bureau of Indian Affairs					
Operation of Indian programs	1,320,044,000	750,657,000	1,283,630,000	-36,414,000	+532,973,000
Construction	167,853,000	79,879,000	212,856,000	+45,203,000	+132,977,000
Education construction	.....	50,998,000	.....	.....	-50,998,000
Indian education programs	.....	418,816,000	.....	.....	-418,816,000
Miscellaneous payments to Indians	56,135,000	87,617,000	87,617,000	+31,482,000	.....
Navajo rehabilitation trust fund	2,984,000	.....	4,000,000	+1,016,000	+4,000,000
Indian loan guaranty and insurance fund	11,725,000	.....	.....	-11,725,000	.....
Indian direct loan program account	.....	3,094,000	4,059,000	+4,059,000	+965,000
(Limitation on direct loans)	.....	(10,735,000)	(15,735,000)	(+15,735,000)	(+5,000,000)
Indian guaranteed loan program account	.....	8,022,000	9,532,000	+9,532,000	+1,510,000
(Limitation on guaranteed loans)	.....	(46,432,000)	(56,432,000)	(+56,432,000)	(+10,000,000)
Technical assistance of Indian enterprises	.....	1,000,000	1,000,000	+1,000,000	.....
Total, Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,894,000	+44,153,000	+202,811,000

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Territorial and International Affairs					
Administration of territories	75,586,000	38,073,000	74,130,000	-1,456,000	+36,057,000
Interest rate differential	30,237,000	29,047,000	29,047,000	-1,190,000	.....
Total	105,823,000	67,120,000	103,177,000	-2,646,000	+36,057,000
Trust Territory of the Pacific Islands	48,452,000	19,451,000	27,951,000	-20,501,000	+8,500,000
Compact of Free Association	14,722,000	7,910,000	16,010,000	+1,288,000	+8,100,000
Mandatory payments	10,000,000	10,000,000	10,000,000	.....	.....
Total	24,722,000	17,910,000	26,010,000	+1,288,000	+8,100,000
Total, Territorial Affairs	178,997,000	104,481,000	157,138,000	-21,859,000	+52,657,000
Departmental Offices					
Office of the Secretary	58,428,000	70,314,000	66,414,000	+7,986,000	-3,900,000
Oil spill emergency fund	.....	7,800,000	3,900,000	+3,900,000	-3,900,000
Office of the Solicitor	26,742,000	33,902,000	30,525,000	+3,783,000	-3,377,000
Office of Inspector General	22,040,000	26,933,000	24,244,000	+2,204,000	-2,689,000
Construction Management	2,086,000	2,399,000	2,243,000	+157,000	-156,000
National Indian Gaming Commission	1,247,000	2,490,000	1,890,000	+643,000	-600,000
Total, Departmental Offices	110,543,000	143,838,000	129,216,000	+18,673,000	-14,622,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,057,598,000	5,825,328,000	6,142,366,000	+84,768,000	+317,038,000
Appropriations	(6,087,598,000)	(5,855,328,000)	(6,172,366,000)	(+84,768,000)	(+317,038,000)
Definite	(6,060,820,000)	(5,827,856,000)	(6,144,894,000)	(+84,074,000)	(+317,038,000)
Indefinite	(26,778,000)	(27,472,000)	(27,472,000)	(+694,000)	.....
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
(Limitation on direct loans)	.....	(10,735,000)	(15,735,000)	(+15,735,000)	(+5,000,000)
(Limitation on guaranteed loans)	.....	(46,432,000)	(56,432,000)	(+56,432,000)	(+10,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	167,629,000	163,230,000	183,572,000	+15,943,000	+20,342,000
State and private forestry	182,416,000	215,582,000	205,041,000	+22,625,000	-10,541,000
National forest system	1,298,333,000	1,377,393,000	1,280,947,000	-17,386,000	-96,446,000
Forest Service firefighting	297,937,000	302,203,000	189,803,000	-108,134,000	-112,400,000
Emergency Forest Service Firefighting Fund	.....	.....	(112,000,000)	(+112,000,000)	(+112,000,000)
Construction	277,133,000	286,148,000	350,420,000	+73,287,000	+64,272,000
Timber receipts transfer to general fund (indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
Timber purchaser credits	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....
Land acquisition	88,696,000	123,069,000	90,735,000	+2,039,000	-32,334,000
Operation and maintenance of recreation facilities	.....	7,500,000	.....	.....	-7,500,000
Acquisition of lands for national forests, special acts	1,097,000	1,148,000	1,148,000	+51,000	.....
Acquisition of lands to complete land exchanges (indefinite)	1,099,000	1,246,000	1,246,000	+147,000	.....
Range betterment fund (indefinite)	4,554,000	5,507,000	5,507,000	+953,000	.....
Gifts, donations and bequests for forest and rangeland research	30,000	97,000	97,000	+67,000	.....
Tongass timber supply fund (limitation on permanent appropriation)	(42,887,000)	(47,749,000)	.....	(-42,887,000)	(-47,749,000)
Early Winters land exchange (sec. 317)	497,000	.....	.....	-497,000	.....
Total, Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	-10,905,000	-174,607,000
DEPARTMENT OF ENERGY					
Clean coal technology	-565,000,000	.....	.....	+565,000,000	.....
Transfer to Fossil energy research and development	.....	-150,000,000	.....	.....	+150,000,000
Fossil energy research and development	458,750,000	77,005,000	453,989,000	-4,761,000	+376,984,000
Rescission	.....	.....	-8,000,000	-8,000,000	-8,000,000
Transfer from Clean Coal	.....	150,000,000	.....	.....	-150,000,000
Total	458,750,000	227,005,000	445,989,000	-12,761,000	+218,984,000
Alternative fuels production (indefinite)	-9,600,000	.....	-9,500,000	+100,000	-9,500,000
Naval petroleum and oil shale reserves	223,135,000	222,300,000	238,200,000	+15,065,000	+15,900,000
Energy conservation	495,177,000	325,934,000	559,661,000	+64,484,000	+233,727,000
Economic regulation	16,728,000	14,428,000	15,114,000	-1,614,000	+686,000
Emergency preparedness	7,080,000	8,300,000	8,300,000	+1,220,000	.....
Strategic Petroleum Reserve	200,576,000	185,858,000	63,173,000	-137,403,000	-122,685,000
SPR petroleum account	.....	.....	203,000,000	+203,000,000	+203,000,000
Energy Information Administration	68,940,000	76,454,000	77,908,000	+8,968,000	+1,454,000
Total, Department of Energy:					
New budget (obligational) authority	895,786,000	910,279,000	1,601,845,000	+706,059,000	+691,566,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,411,167,000	524,047,000	1,432,712,000	+21,545,000	+908,665,000
Federal Indian health administration	.....	887,120,000	.....	.....	-887,120,000
Indian health facilities	166,402,000	12,444,000	295,211,000	+128,809,000	+282,767,000
Total, Indian Health Service	1,577,569,000	1,423,611,000	1,727,923,000	+150,354,000	+304,312,000

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	75,365,000	77,400,000	77,547,000	+2,182,000	+147,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	33,572,000	33,572,000	31,634,000	-1,938,000	-1,938,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,447,000	6,087,000	8,187,000	+2,740,000	+2,100,000
Smithsonian Institution					
Salaries and expenses	272,883,000	292,450,000	286,269,000	+13,386,000	-6,181,000
Construction and improvements, National Zoological Park	6,636,000	8,000,000	8,000,000	+1,364,000	.....
Repair and restoration of buildings	31,191,000	31,600,000	27,710,000	-3,481,000	-3,890,000
Construction	15,407,000	25,100,000	20,100,000	+4,693,000	-5,000,000
Total, Smithsonian Institution	326,117,000	357,150,000	342,079,000	+15,962,000	-15,071,000
National Gallery of Art					
Salaries and expenses	46,033,000	49,900,000	48,236,000	+2,203,000	-1,664,000
Repair, restoration and renovation of buildings	3,487,000	7,600,000	6,850,000	+3,363,000	-750,000
Total, National Gallery of Art	49,520,000	57,500,000	55,086,000	+5,566,000	-2,414,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,047,000	5,744,000	5,819,000	+772,000	+75,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	146,230,000	143,583,000	147,700,000	+1,470,000	+4,117,000
Matching grants	27,853,000	30,500,000	30,500,000	+2,647,000	.....
Total, National Endowment for the Arts	174,083,000	174,083,000	178,200,000	+4,117,000	+4,117,000
National Endowment for the Humanities					
Grants and administration	142,997,000	147,750,000	153,150,000	+10,153,000	+5,400,000
Matching grants	27,008,000	30,450,000	25,050,000	-1,958,000	-5,400,000
Total, National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	+8,195,000	.....
Institute of Museum Services					
Grants and administration	25,864,000	26,949,000	27,344,000	+1,480,000	+395,000
Total, National Foundation on the Arts and the Humanities	369,952,000	379,232,000	383,744,000	+13,792,000	+4,512,000
Commission of Fine Arts					
Salaries and expenses	634,000	705,000	722,000	+88,000	+17,000
National Capital Arts and Cultural Affairs					
Grants	6,217,000	.....	7,000,000	+783,000	+7,000,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,226,000	2,535,000	2,623,000	+397,000	+88,000
National Capital Planning Commission					
Salaries and expenses	3,430,000	4,500,000	4,500,000	+1,070,000	.....
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	28,000	28,000	33,000	+5,000	+5,000
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,353,000	2,807,000	2,807,000	+454,000	.....
Public development	4,780,000	5,026,000	4,491,000	-289,000	-535,000
Land acquisition and development fund	4,974,000	14,000,000	.....	-4,974,000	-14,000,000
Total, Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	-4,809,000	-14,535,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	+3,091,000	+3,305,000
Total, title II, Related Agencies:					
New budget (obligational) authority	5,689,952,000	5,770,599,000	6,575,161,000	+885,209,000	+804,562,000
Appropriations, fiscal year 1992	(5,689,952,000)	(5,770,599,000)	(6,575,161,000)	(+885,209,000)	(+804,562,000)
Definite	(5,693,899,000)	(5,763,846,000)	(6,585,908,000)	(+892,009,000)	(+822,062,000)
Indefinite	(-3,947,000)	(6,753,000)	(-2,747,000)	(+1,200,000)	(-9,500,000)
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Grand total:					
New budget (obligational) authority (net)	11,747,550,000	11,595,927,000	12,717,527,000	+969,977,000	+1,121,600,000
Appropriations, fiscal year 1992 (net)	(11,747,550,000)	(11,595,927,000)	(12,717,527,000)	(+969,977,000)	(+1,121,600,000)
Appropriations	(11,777,550,000)	(11,625,927,000)	(12,747,527,000)	(+969,977,000)	(+1,121,600,000)
Definite	(11,754,719,000)	(11,591,702,000)	(12,730,802,000)	(+976,083,000)	(+1,139,100,000)
Indefinite	(22,831,000)	(34,225,000)	(24,725,000)	(+1,894,000)	(-9,500,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	-948,000	-110,523,000
United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	-2,518,000	+21,054,000
National Park Service	1,347,905,000	1,261,892,000	1,377,464,000	+29,559,000	+115,572,000
Geological Survey	570,698,000	563,100,000	589,499,000	+18,801,000	+26,399,000
Minerals Management Service	195,995,000	234,124,000	208,090,000	+12,095,000	-26,034,000
Bureau of Mines	181,227,000	156,123,000	175,890,000	-5,337,000	+19,767,000
Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	-7,851,000	+29,957,000
Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,694,000	+44,153,000	+202,811,000
Territorial and International Affairs	178,997,000	104,481,000	157,138,000	-21,859,000	+52,657,000
Secretarial Offices	110,543,000	143,838,000	129,216,000	+18,673,000	-14,622,000
Total, Title I - Department of the Interior	6,057,598,000	5,825,328,000	6,142,366,000	+84,768,000	+317,038,000
TITLE II - RELATED AGENCIES					
Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	-10,905,000	-174,607,000
Department of Energy	895,786,000	910,279,000	1,601,845,000	+706,059,000	+691,566,000
Indian Health	1,577,569,000	1,423,611,000	1,727,923,000	+150,354,000	+304,312,000
Indian Education	75,365,000	77,400,000	77,547,000	+2,182,000	+147,000
Office of Navajo and Hopi Indian Relocation	33,572,000	33,572,000	31,634,000	-1,938,000	-1,938,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,447,000	6,087,000	8,187,000	+2,740,000	+2,100,000
Smithsonian	326,117,000	357,150,000	342,079,000	+15,962,000	-15,071,000
National Gallery of Art	49,520,000	57,500,000	55,086,000	+5,566,000	-2,414,000
Woodrow Wilson International Center for Scholars	5,047,000	5,744,000	5,819,000	+772,000	+75,000
National Endowment for the Arts	174,083,000	174,083,000	178,200,000	+4,117,000	+4,117,000
National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	+8,195,000	.....
Institute of Museum Services	25,864,000	26,949,000	27,344,000	+1,480,000	+395,000
Commission of Fine Arts	634,000	705,000	722,000	+88,000	+17,000
National Capital Arts and Cultural Affairs	6,217,000	.....	7,000,000	+783,000	+7,000,000
Advisory Council on Historic Preservation	2,226,000	2,535,000	2,623,000	+397,000	+88,000
National Capital Planning Commission	3,430,000	4,500,000	4,500,000	+1,070,000	.....
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	33,000	+5,000	+5,000
Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	-4,809,000	-14,535,000
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	+3,091,000	+3,305,000
Total, Title II - Related Agencies	5,689,952,000	5,770,599,000	6,575,161,000	+885,209,000	+804,562,000
Grand total	11,747,550,000	11,595,927,000	12,717,527,000	+969,977,000	+1,121,600,000

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Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we sing the song, "America the Beautiful", and we think of the words. Certainly if there is a bill or an appropriation that comes before the House that keeps America beautiful, it is the Interior bill. It covers a wide range of responsibilities, a wide range of the aspects of "America the Beautiful."

Let me say, though, before I describe this bill, that it has been a real joy to work with Chairman YATES. He is very fair and this committee is totally nonpartisan. As was pointed out by the chairman, we had 370 Members from both sides of the aisle, with something like 3,000 items that they requested on behalf of their constituents. If there is a bill that is a people's bill that comes before us, this would be it.

Also, I want to say as to the chairman, that he is very patient. The first amendment of the U.S. Constitution states that it is "the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Well, they certainly petition our committee. We have literally hundreds of people who come before the subcommittee and the chairman gives each one an opportunity to be heard. He is very patient in listening to their concerns for America the Beautiful, and I think that is a wonderful quality. It is a pleasure to work with the gentleman and the staff. The staff is just as nonpartisan as the chairman.

I want to also mention Kathleen Wheeler, who is working with me on this bill. She has done a terrific job in helping to put this bill together and to bring to my attention all of the concerns of our colleagues, as well as the public.

Most people do not realize that one-third of the United States is owned by the Government. Federal lands managed by the Park Department, the BLM, the Bureau of Land Management and the Forest Service, and our subcommittee has the responsibility for appropriating the funds to operate these 750 million acres of land.

To give you an idea of why this is a people's bill, last year in the national parks we had the equivalent of 336 million visitor days. Now, that is a lot of days and a lot of usage of our parks. In the Forest Service, we had 263 million visitor days.

Most people do not think of the Forest Service as being part of our recreation assets in this Nation, and yet there is a vast flow of visitors into the national forests.

The Bureau of Land Management had 518 million visitor days, in part because they have a lot of land under their jurisdiction.

I might mention as a side comment that some of this BLM land is leased for grazing and, of course, one of the burdens that goes with grazing on public lands is that you have to allow the public in. So part of the visitor days on

the BLM land were people using the lands on which individuals are paying grazing fees, using it to hunt, to fish, to camp or a multitude of other things that they might enjoy doing. So that is one dimension of this bill, providing for the visitors to our lands.

Secondly, we deal with the nonnuclear portion of the Department of Energy. We know so well how important our fossil resources are, how important energy is to this Nation's future.

We manage the Bureau of Indian Affairs, spending over a billion dollars spent on insuring that the Indians have adequate educational facilities, and that they have adequate health facilities. We make a great effort to encourage the Bureau of Indian Affairs to develop activities that make economic sense that will allow these people to manage their own affairs, to have jobs, and to plug into the economy of America.

We also deal with the cultural dimension of our society. We have the appropriations for the Kennedy Center, the Smithsonian, the National Galley of Art, the NEA and the NEH, and many other cultural activities. Many of you have the Civil War tapes. I think every Member had an opportunity to get a set of those. They were in part financed by funds provided by the National Endowment for the Humanities, which is part of this bill. That is an example of the kind of productive activity that results from the bill that is before us today.

We also are responsible for funding the President's initiative on stewardship and tree planting which is part of the administration's "America the Beautiful" program.

Unfortunately, because of fiscal constraints, we could not put in all the money that the administration would have liked, but we do have $35 million for these programs. This is an increase of 75 percent over last year.

Again we are recognizing that the preservation of the natural resources and assets of this Nation is a vital responsibility of this committee and this Congress, and we have tried to address that in this bill.

We must, of course, deal with the problem of maintenance of our parks, of our forests and of our Bureau of Land Management lands. This is a difficult challenge because, as I mentioned earlier, of the heavy usage that these facilities receive, there is a great impact on roads, on sanitation facilities, on camping facilities. Unfortunately, we cannot do as much as we would like in maintaining the quality of the experience of the public. For that reason it was a difficult challenge to allocate our funds in a way that would insure that every person using the Federal lands has an experience, a worthwhile experience, has an experience that they will find a joy, that will give them a feeling of satisfaction as they use the national public lands facilities.

I have a concern as to what we are doing on moratoria on the Outer Continental Shelf. Each year incrementally we take out a little more. It is not available to those who own it; namely, the people of the United States.

I am troubled a little bit by the fact that there is an attitude which prevails that Outer Continental Shelf lands belong to the States or belong to the people who live in the States adjacent to them. Those are lands that belong to all the people in this Nation. Therefore, the oil and gas resources under those lands are the property of all the people in the United States.

I think under the conditions of environmental restraints, under the conditions that we protect the fragile areas, that we should have an orderly program of developing these resources.

□ 1630

I have a concern that at some point when we get a recurrence of the experience of the late 1970's, when we were in late-night sessions here trying to deal with gasoline lines, trying to deal with shortages of energy, that when that recurs, we will have a crash program to drill the Outer Continental Shelf without any regard to environmental concerns.

I think it would be far better if this were done on an orderly basis. Certainly, we just came through a war, Desert Storm, and part of the reason for that was the oil resources of the Persian Gulf, and understandably because 26 percent of our imports come from that area of the world. That figure was only 7 percent in 1985. It is a continuing-escalating problem. We are close to 50 percent of our oil resources that we consume in the United States being imported.

I think an orderly and environmentally safe development of the Outer Continental Shelf would be a more responsible approach. But I recognize the votes are not there to support that program and, therefore, will not attempt to change the moratoria restrictions we have put in the bill.

I might add that the clean-coal program has been restored. The administration had taken out some of the funding for the fifth round. We put it back in because, if we are to have a total energy program that will meet the needs of the people of this Nation in the years to come, we must use our coal resources. We have one of the most abundant supplies of energy in the world, and it is called coal. We have demonstrated that it can be burned in an environmentally safe way.

We have committed billions of dollars of both public and private funds to the development of clean-coal programs that will allow this to happen.

I think not only will this be of great value to the United States but to the rest of the world. Many countries, particularly in Eastern Europe, and the Soviet Union, have an abundance of coal, and they need this technology. I believe that once clean-coal technology is brought to fruition, as it will with the programs that we support, that there will be a big market around the world for clean-coal technology that will be important to our exports, our balance of payments.

But also, more importantly, it will reduce the impact on the world's air quality. Certainly, you cannot ignore what happens in other parts of the world, since we all have to live on this same planet.

I therefore feel that the clean-coal program is a vital part of our bill.

I am pleased that we are getting an enormously positive response from the private sector. The law requires a 50-percent match. As a practical matter, we are getting a match somewhere in the neighborhood of 60 percent private and 40 percent Federal.

I think that clearly says there is confidence on the part of the private sector that these programs will work. They are willing to put their money into the development of the clean-coal technologies.

I recommend this bill to my colleagues, I think it is a good bill. We worked valiantly with the limited number of dollars we had to try to meet the enormous needs that exist to serve the people of this Nation well, to preserve the resources, to continue to make America beautiful, in fact more beautiful, for future generations.

Mr. Chairman, we benefit from the vision and wisdom of those who in the past have preserved the Yellowstones, the Yosemites, the Central Park in New York City, who have preserved these magnificent resources that we have. We have the responsibility to future generations to give them good stewardship of what those who went before us have given to us. This bill accomplishes that to the greatest extent possible, given the financial constraints that were part of our budget allocation.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of this bill.

Mr. Chairman, today's approval of the Interior appropriations bill would have important consequences for the San Francisco Bay area. Included in this bill is $4 million to purchase wetlands for the San Francisco Bay National Wildlife Refuge, as well as $1 million for the purchase of Marin Islands, which is also found in the San Francisco Bay.

I would particularly like to thank my colleagues who made this funding possible: the chairman of the Subcommittee on Interior, the gentleman from Illinois, SID YATES, and the distinguished chairman of the full Committee on Appropriations, the gentleman from Mississippi JAMIE WHITTEN. Wetlands provide a unique habitat upon which many species threatened with extinction depend. The funds that we approve today will increase the chances that species such as the California clapper rail, of which fewer than 500 remain, will be able to survive.

The destruction of wetlands in the San Francisco Bay is taking place at an alarming rate, despite increased attempts to end this trend. In purchasing these lands for inclusion in the wildlife refuges of the bay, wetlands can be protected by the most effective means available. By approving these funds today, we will make this strategy possible.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], and I have served here together on the Committee on Appropriations and on this subcommittee for a long time, and I welcome this chance to compliment him and the other members of the subcommittee, especially the gentleman from Ohio, the ranking minority member [Mr. REGULA], for the great job they have done. It was not easy because of budget limitations which made it impossible to do many things which were sound.

This bill provides investments in America—our public lands, wildlife refuges, fish hatcheries, national parks, and national forests. It provides funds for energy conservation and fossil energy development programs. It provides funds for Indian schools and hospitals. These programs are vital to the development and support of our country, for the only thing behind our currency is our currency.

Mr. Chairman, our paper money is in bad shape, and I want to compliment the chairman of the subcommittee and the other members of the subcommittee for looking after our own country, because it is not what we spend here that causes our problems, but it is is what we spend here that is going to enable us to handle our national financial problems if they are going to to be handled.

Our problems have not arisen from what we have spent on our own country. We have a big country. We have diverse interests. Our country itself is our wealth; thus, it is imperative that we protect, preserve, and develop all our country.

Examples of the national programs for which we have provided funds in this bill that are of special interest to my area and State include funds to continue construction of the Natchez Trace Parkway, the Natchez Historical Park, a Vicksburg park study, the Pvt. John Allen National Fish Hatchery, Marine Minerals Institute, forest research at Stoneville, Starkville, Gulport, and Oxford, magnetohydrodynamics research, and the Choctaw Tribal Department of Education.

Mr. Chairman, as the gentleman from Illinois has stated, this bill contains important programs, similar to these, located all over our country, and I urge it be adopted.

Again, the gentleman from Illinois [Mr. YATES] and from Ohio [Mr. REGULA] and the other members of the subcommittee have done a great job.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCDADE], the ranking member of the full Committee on Appropriations.

Mr. MCDADE. Mr. Chairman, I rise in strong support of H.R. 2686, the Department of the Interior and related agencies appropriations bill for fiscal year 1992. I take this brief moment to express my appreciation to the distinguished gentleman from Illinois [Mr. YATES] for the terrific job that he has done on this bill, and also to my friend, the gentleman from Ohio [Mr. REGULA]. Both of them have presented a bill that is eminently respectable in taking care of the stewardship of the natural resources of this Nation. It is, I think, one of the most finely crafted and bipartisan bills to come before us.

So, my compliments to the chairman of the subcommittee and its ranking Republican, and to their staffs, for a job very well done.

Mr. Chairman, I hope this bill will pass overwhelmingly.

The bill they drafted is within the 602(b) allocation for both budget authority and outlays.

They were tireless in their open-minded consideration of the proposals put forth by the administration and the requests of the House membership. They were always cognizant of their responsibilities to adequately fund the Department of Interior, the Forest Service, Indian education and health, conservation and research programs of the Energy Department, and a number of arts and cultural programs. This bill touches the lives of nearly every American as it provides for the stewardship of our public lands, responds to our energy needs, preserves our cultural heritage and protects our natural resources.

In considering this appropriation, it should be remembered that the Interior bill, unlike most other appropriations bills, in large part pays for itself through revenues generated by the Interior Department and other agencies represented in the bill. Receipts to the Treasury from timber leases, mineral and oil development, and other programs are estimated to reach over $7.3 billion during the coming fiscal year.

As usual, the programs funded in the Interior bill are not without controversy. The subcommittee had the difficult job of putting together a bill that reflects the will of the House on such heated issues as offshore drilling, mining patents, the threatened spotted owl, the National Endowment for the Arts, and grazing fees. I am confident that the subcommittee's positions will be affirmed by the full House when some of these issues are debated today as amendments.

The subcommittee did somewhat reorder the budget requests put forth by the President, but much of the increase over the administration request was to compensate for ill-advised proposals to cut needed funds for energy conservation, clean coal and fossil energy research activities of the Department of Energy, and Indian health services and facilities.

The administration's objections to the bill are relatively minor. One of the major objections, bill language to prohibit the implementation of the Chief Financial Officers Act of 1990, was removed with passage of an amendment I offered in full committee.

Other items objected to by the administration are the special account for emergency firefighting for the Department of the Interior and the U.S. Forest Service, and reduced funding for the Sport Fish Restoration Program and the North American Wetlands Conservation Fund. I look forward to addressing their concerns as the bill works its way through the process.

I am particularly gratified that the legislation provides for the redesignation of the Tinicum National Environmental Center in Philadelphia as the John Heinz National Wildlife Refuge at Tinicum. This is a fitting tribute to a man who earned a national reputation for his tireless efforts in environmental protection. In particular, he worked to include Tinicum in the national system and drafted the law that established the Tinicum Marsh Wildlife Center.

Senator Heinz was the victim of a tragic aircraft accident last April. The redesignation will be one small way that we can commemorate his environmental achievements and insure that his contributions will not be forgotten.

I urge favorable consideration of H.R. 2686. It is a bill which meets our obligations to our environment and natural and cultural resources and fulfills our mandate for fiscal restraint.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's bill includes a provision of great interest to North Carolinians. It appropriates $2.5 million to the National Park Service to expand the Fort Raleigh National Historic Site on Roanoke Island.

Last year, Congress enacted Public Law 101-603 to expand Fort Raleigh by 335 acres. Today, we begin to provide funds to carry out the expansion.

Fort Raleigh and Roanoke Island occupy a special place in the history of North Carolina and our Nation. Here, Sir Walter Raleigh sought to plant an English colony, 25 years before Jamestown. Here, the first child of English parents was born in North America. These events are dramatized each sum-

mer in the play, "The Lost Colony," the oldest outdoor drama in the United States; this production attracts thousands of visitors to Fort Raleigh every year.

Because the property is in a coastal resort area, development pressures are intense. It is critical for Congress to provide sufficient funding swiftly so that we can preserve this special area and protect the existing historic site from incompatible development.

Chairman YATES, I want to say Thank you for responding to my request for funding. This is a significant start. I know how difficult it is for you to find funds for new acquisitions, and I am truly grateful to you and your subcommittee.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, last Friday the President signed into law a bill to expand the boundaries of the Saguaro National Monument. Mr. Udall and I, joined by all members of the Arizona delegation, sponsored this important legislation.

There is an urgency to this project. The lands are at risk. The monument is at risk. And, if the NPS acts promptly, the cost of acquisition will be significantly lower. Finally, the landowners are willing sellers.

Although funding is tight this year, I might point out that, according to the National Park Service, Arizona has not had a project funded from the land and water conservation fund in more than 15 years.

I recognize that consideration by the House Appropriations Committee could not be undertaken until the bill was authorized and only after all the necessary and required steps for implementation were followed. Now that we have the necessary authorizing legislation, we urge the National Park Service to review the legislation and make recommendations to Congress as early as possible as to the desired means of acquisition.

It is my understanding that the Senate may consider adding funds for the implementation of the Saguaro National Monument bill. If funds are added, I would ask for the committee's support in conference.

Arizona takes great pride in the effort to protect the Saguaro National Monument, a national ecological treasure.

□ 1640

Mr. AUCOIN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in support of the bill reported by the Subcommittee on Interior Appropriations. I believe the hard work of the members and staff is reflected in this balanced and responsible legislation. I especially want to thank Chairman YATES for his consideration in including several projects which directly affect my district.

These are basic research programs which will be a good investment of public funds and should ultimately return money to the Treasury.

Our Nation's metal casting industry will benefit greatly from the technology research program funded by this bill. The program has a requirement for matching funds from industry, which in this time of tight Federal funds is a good policy and certainly a litmus test of any group's commitment to a project. In this project the Government, industry and our leading universities will combine their efforts to increase the efficiency and competitiveness of this most basic of industries.

Also included in this bill is a provision for aquaculture research to be performed by the Fish and Wildlife Service. This is a matter of special interest to me because of the rapid growth of the catfish industry in my State. Unlike poultry, livestock or row crops, aquaculture has not benefitted from basic research on genetics, nutrition and disease control. Yet this is our best hope for new sources of protein and is deserving of Federal assistance.

Mr. Chairman, there are two energy-related projects, one involving eastern oil shale and the other involving coal liquefication, which have real potential for lessening our dependence on foreign sources of energy. All of these provisions are good, sound research projects and I urge my colleagues to support both them and the bill as a whole.

Lastly, I am disappointed that the Fire Forces Mobilization Act was not funded for the coming year. This measure has much to recommend it and I hope we can find adequate funding in the near future.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I will not take my full time; however I rise in strong support of the House Interior appropriations bill.

Mr. Chairman, after extensive negotiations and many roadblocks, the citizens of Salamanca, NY are nearing their final hurdle. A 40/40 lease arrangement has been signed by the majority of City and Congressional villages residents. In addition, an agreement has been reached for a $25 million payment by New York State to the Seneca Nation of Indians. Thanks to the Committee on Appropriations—full funding of the Seneca Nation Settlement Act of 1990 was maintained. Passage of the bill firmly establishes the most important piece of this puzzle—Federal payment of $35 million to the Seneca Nation. This corrects Congress's failure to uphold its trust responsibility of nearly one century ago. One time funding is essential. New leases for present residents are binding on the Seneca Nation only after full payment by the Federal government. This payment is included in the bill. Today, we will vote to revive an economically depressed region of the southern tier. The city of Salamanca may now look to the future—one which we hope to be a bright future.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2686, the Department of the Interior and Related Agencies appropriations bill for fiscal year 1992. This is the 9 of the 13 annual appropriations bills to be considered by the House.

The bill provides $13.198 billion in discretionary budget authority and $12.042 billion in discretionary outlays, which is $7 million in budget authority and $8 million in estimated outlays below the 602(b) spending subdivisions for this subcommittee.

I want to commend the chairman and the ranking member of the subcommittee for the job they done in adhering to the limits set forth in the budget agreement and the budget resolution.

As chairman of the Budget Committee, I will continue to inform the House of the status of all spending legislation, and will be issuing a "Dear Colleague" on how each appropriations measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its remaining bills.

COMMITTEE ON THE BUDGET,
Washington, DC, June 20, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2686, the Department of the Interior and Related Agencies Appropriations bill for Fiscal Year 1992, scheduled to considered on Monday, June 24, subject to a rule being adopted.

This is the ninth regular fiscal year 1992 appropriations bill to be considered. The bill is $7 million below the discretionary budget authority 602(b) spending subdivision and $8 million below the outlay subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-116)

The House Appropriations Committee reported the Department of the Interior and Related Agencies Appropriations bill for Fiscal Year 1992 on Wednesday, June 19, 1991. Floor consideration of this bill is scheduled for Monday, June 24, 1991, subject to a rule being adopted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill, as reported, provides $13,198 million of discretionary budget authority and $12,042 million in estimated discretionary outlays, which is $7 million in budget authority and $8 million in estimated outlays below the 602(b) subdivision for this subcommittee. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In millions of dollars]

	Interior and related agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+) under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	13,198	12,042	13,205	12,050	−7	−8
Mandatory [1]	78	78	78	78		
Total	13,276	12,120	13,283	12,128	−7	−8

[1] Conforms to the Budget Resolution estimates for exisitng law.

Note: BA—New budget authority; O—Estimated outlays.

Following are major program highlights for the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Department of the Interior:		
Bureau of Land Management	910	749
U.S. Fish and Wildlife Service	691	471
National Park Service	1,377	910
Geological Survey	589	560
Office of Surface Mining Reclamation	302	118
Minerals Management Service	208	135
Bureau of Mines	176	114
Bureau of Indian Affairs	1,603	884
Territorial and International Affairs	157	111
Related agencies:		
Forest Service	2,308	1,731
Strategic Petroleum Reserve	266	−72
Energy Conservation	560	137
Fossil Energy R&D	446	178
Naval Petroleum and Oil Shale Reserves	238	143
Indian Health Service	1,728	1,208
Indian Education	78	11
Smithsonian Institution	403	324
National Foundation on the Arts and Humanities	356	132

The House Appropriation Committee reported the Committee's subdivision of budget authority and outlays in House Report 102–81. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Mr. Speaker, I rise in strong support of H.R. 2686, the fiscal year 1992 Department of Interior and Related Agencies appropriations bill. In particular, I rise in support of the bill's provision to defer offshore oil and gas leasing and related activities off the coast of California for fiscal year 1992.

This provision is consistent with the President's Outer Continental Shelf [OCS] June 26, 1990, policy statement which deferred the California coast from being made available for leasing consideration until after the year 2000, with the exception of 87 tracts in southern California which may be leased after January 1, 1996. Last year Congress established a precedence of legislatively concurring with the President's OCS policy statement by including a similar provision in the fiscal year 1992 Interior appropriations bill. In the absence of authorizing legislation to codity the President's OCS policy, I am very pleased that the committee is continuing this moratoria.

As such, I would like to commend Chairman SIDNEY YATES for including this provision in the committee's fiscal year 1992 bill and, for his invaluable and consistent support for the preservation of the sensitive areas of our Nation's coastline. His insistence on proper stewardship for our coastal resources has brought us to a point where we have achieved long-term protection for the California coast and other sensitive areas. The gentlemen's role in achieving this goal cannot be overstated and I am deeply grateful for his support.

There are other geographic areas that were not addressed by the President's OCS policy statement which are worthy of protection and I am pleased to note that these areas have received similar protections under this bill.

While the President's OCS deferral has given us some much-needed breathing room on this issue, the battle is not over yet. Two particular issues remain of grave concern to me. First, Congress still has the responsibility to codify the President's OCS policy statement into law to ensure that this policy is strictly adhered to by this and future administrations. I will continue my efforts in the Congress to achieve that goal. Second, I, along with many of my colleagues in the California delegation, strongly object to the President's unfair and unjustified targeting of 87 tracts in southern California which may be offered for leasing in 1996. This divide-and-conquer approach to the California coastline is unacceptable and will not be tolerated. Clearly, this area in the Santa Maria Basin and the Santa Barbara Channel warrants the same 10-year delay afforded the rest of the west coast. I am confident, however, that the short-term protection afforded this area will give us the time needed to obtain permanent protection for this important coastal area.

In closing, Mr. Speaker, I would like to again commend Chairman YATES and the members of the committee for their hard work in bringing forth this legislation. I urge my colleagues to support its adoption.

Lastly, Mr. Chairman, I would like to engage the chairman of the subcommittee in a brief colloquy.

Mr. Chairman, I would like to thank the gentleman and the committee members for their tremendous work in bringing forth this legislation. I am acutely aware of the budgetary constraints the gentleman was working under and commend him for completing a difficult job admirably. I would like to engage the gentleman in a colloquy regarding a Forest Service study in the Los Padres National Forest.

Mr. Chairman, is it correct to state that under the funds expended for the operation of the Forest Service in this act, it is expected that the Forest Service will conduct the archeological mapping and survey of the lands within the Los Padres National Forest?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman is correct. Under the funds expended in this act for the operation of the Forest Service, it is expected that the Forest Service will conduct the archeological mapping and survey within the Los Padres National Forest.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for clarifying this matter and again commend him for his excellent work in developing this legislation.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I rise today to commend the gentleman from Illinois [Mr. YATES], the ranking Republican member, the gentleman from Ohio [Mr. REGULA], and the members of the Appropriations Subcommittee on the Interior for including a comprehensive moratorium on offshore oil development. Over the last 2 years, Americans have been shocked by the scenes of destruction that have been on their television sets. First the tragic oilspill in Alaska, then the horrible oilspill that occurred in the Persian Gulf war, have shown the American people what kind of damage can be done to the environment when an oilspill occurs.

Mr. Chairman, our coastal ecological system is very fragile, and cannot withstand the kind of damage that an oilspill would cause. The oil development moratorium in this bill will put vital protections for our coastline in place, protections that will benefit every American. I again commend the Interior Committee for its good work, hope that it will continue, and urge my colleagues to support this provision.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AUCOIN], a distinguished member of our committee.

Mr. AUCOIN. Mr. Chairman, I would like to commend our chairman, Mr. YATES, and the ranking minority member, Mr. REGULA for the fine work they have done in bringing this bill to the floor today.

As former Congressman Mike Kerwin used to say, and as the chairman has often reminded this body, this is truly a bill for all America. And increasingly a bill for all Americans.

From the arts to our spectacular national parks and majestic national forests the public demand for the opportunities which our Interior appropriations bill sustains and enhances continues to grow beyond our fiscal ability to keep pace.

That was the most difficult reality which the members of our committee had to face as we marked up our bill this year. Our committee heard testimony from over 1,100 witnesses, and over 370 Members of Congress, all of whom had worthy requests for additional funding needs. Regrettably, not everyone could be accommodated.

And that is why I am particularly grateful to the chairman and my colleagues on the committee for working with me to address those issues which are absolutely vital to my State of Oregon and the Pacific Northwest.

While this may be a bill for all America, it provides the lifeblood for Oregon and the Northwest. We Oregonians are at the mercy of the Federal land managers who control over half the land base of the State of Oregon. Because of this, Oregonians must rely on those

who watch over and shape policy for those Federal land managers.

And that role is filled in great measure by our Interior Appropriations Committee. I believe it has been with great wisdon and foresight that the committee has met its responsibilities for fiscal year 1992.

We are struggling through a very difficult time in the Pacific Northwest. Our national forests and pubic lands are being managed, essentially, by the Federal courts. Over 8,000 jobs have been already lost in the wood products industry.

Despite this adversity, I am convinced that we are on the right track in bringing about a legislative solution which breaks the gridlock and puts us back on a sound economic and ecological footing.

That is why I am pleased that our bill allows for a balanced timber sale program to go forward in fiscal year 1992 and one that will be sustainable once we get out from under the thumb of the Federal judges.

Our bill lays the foundation for future dividends for the woods products industry by funding initiatives in the areas of value added manufacturing and red alder utilization.

We have provided additional research funding to develop the baseline data we need to support ecological diversity, sensitive species habitat, and the technical data we must have to determine how we can protect these important ecological values and continue supplying timber for community stability and continued employment opportunity.

I believe the committee has exercised great foresight in providing an additional $7.5 million for Columbia River anadromous fish habitat management and, most significantly, an additional $1.8 million to begin implementing habitat improvements which were identified at the recently concluded salmon summit to begin recovery of those Chinook and Coho runs most likely to be listed as threatened or endangered.

And this bill makes great contribution to our cultural, recreational, and environmental resources. We continue the renovation of the historic Crater Lake lodge. We are moving forward with an innovative wetlands acquisition project for the city of Eugene, OR, which has the promise to become a national model of how wetland preservation can work in tandem with economic development. We allow the city of Portland to continue with its wetland inventory. And we provide a spectacular addition to the Oregon Islands National Wildlife Refuge which was of critical interest to the city of Bandon.

Lastly, I am happy to report that, thanks to your help and the work of my colleague, Mr. DICKS, we have once again added language which will provide a revenue floor for those counties in Oregon, Washington, and northern California affected by decisions relating to the spotted owl beyond which receipts which they receive as a result of timber harvests will not fall. We had to change the formula somewhat in response to the concerns expressed by the chairman over revenue losses to the Treasury. But even with a changed formula, we will be saving Oregon counties an additional $27 million over what they would have received if the language were not included in this bill.

In short, Mr. Chairman, this bill provides for sound and balanced stewardship of our public lands, resources, and natural treasures not just for Oregon but for the Nation as well.

This is a good bill, a bipartisan bill in which our disagreements were worked out through accommodation rather than confrontation and I urge my colleagues on both sides of the aisle to give us your support.

□ 1650

Mr. REGULA. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the Synar language and this is one of those, "I did not intend to make a speech, speeches". We hear these speeches when Members get their particular ox gored, in this case the 38,000 cowboys who run small, family-owned operations and who make less than $28,000 a year.

Now, what got my dander to the sound-off level is when I tried to point out that most folks involved here are not corporate operations or cattle barons ripping off the public, but again, small family-owned operations, the gentleman from Massachusetts went into a virtual canniption fit of taxpayer concern and mentioned some corporations who benefit from current grazing fee policy.

And then he said some outfit out west had an operation bigger than his whole State. Well, I have a district larger than the State of Virginia, let alone Massachusetts. I have more cows than people—and for the record, I have no grazing on public lands. This is not my parochial issue! I might add that one cowboy with an outfit larger than the State of Massachusetts is doing a better job running his operation than is being done in Massachusetts.

If we are going to revise the grazing fee formula, let's follow the advice of the gentleman from Oregon [Mr. SMITH] and let the House Agriculture Committee work out a compromise. It may well be corporations should not ride and graze the range at public expense, but eliminating the economic livelihood of 38,000 producers in one fell swoop under the Synar banner of reform seems a bit harsh.

So, Mr. Chairman, I rise in opposition to the Synar language to raise the grazing fees on lands managed by the Bureau of Land Management. Aside from the fact this effort is an attempt to authorize changes to the BLM grazing fee formula on an appropriations bill, there are several facts regarding public lands grazing the House needs to be aware of:

As I said, most of the stockmen, 80 percent, grazing livestock on public lands are operators of small, family-owned enterprises. For their operations, most of which make $28,000 or less per year, to be economically viable, they must utilitze public rangelands.

"Why are public grazing fees less than those on private pastures?" The answer is simple. Public land fees do not include amenities. A stockman leasing public lands is responsible for all costs associated with fencing, water improvement, and road maintenance. In addition, these stockmen serve as stewards of public rangeland by investing their resources to control erosion, maintain water sources, used by wildlife as well as their domestic stock, and assist in wildlife and vegetation management efforts.

The BLM's director not the GAO has stated that significant increases in fees would result in a devastating impact on the western States where the ranching areas have historically low base values. More to the point, the fees generated from public grazing are used by hundreds of counties for schools, roads and local efforts to improve rangeland conditions.

BLM grazing programs largely pay their own way through the user fees charged producers. By keeping these fees at reasonable levels, we can ensure that this Nation's rangeland continue to benefit from the hard work and dedication of men and women who depend on public grazing to put food on their families' tables.

Now, just a few short weeks ago, we got into debate as to the merits of a cut in the funding of the General Accounting Office. If we ever had a case that reflected that concern and frustration, this is it. This GAO report and grazing fee review, dated June 11, was made available to minority members, whose constituents future is at stake, just this past Friday and the report is supposed to be the tablet brought down from the mountain on this subject.

We apparently have six people, three from Washington, DC and three from Seattle who have concluded in 18 lines that 38,000 cowboys and their families should find other work and ride off into the sunset.

I tell you what, if there ever was an outfit that deserved the title of Majority Party Tennis Backboard, it is the GAO. You ride with the GAO posse; they ride for the most part, in the direction that the chairman of the committee wants to ride. You want to know about downside risk regarding their 20–20 hindsight observations and they say they can't comment on that. You ask about the law of practical ef-

fect on one hand; they come up with a repeat of the obvious on the other hand. Goodness knows, we need a one-handed GAO analyst with just a little prospective common sense.

And, who rides with this posse and has access to the wanted posters? People crawl out of train wrecks faster than the minority can get access. Not all of the reports by the GAO fall into this category to be sure but too many fall into the category of TV script or fodder for the majority's legislative agenda.

This is not right, and it does the many fine people within GAO a disservice.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise to speak in support of the fiscal year 1992 budgets of our Nation's Federal arts agencies and their continued viability. I must begin by expressing my great admiration and respect for the commitment which Chairman YATES, ranking member REGULA, and indeed the entire subcommittee and full committee have shown in protecting and promoting the arts in our Nation. It is in no small measure due to their wisdom that the arts have been able to flourish throughout the country and that the arts and cultural agencies have been able to fundamentally change the country's cultural landscape.

Today the Nation's cultural community is at risk of losing permanently theaters, dance companies, opera companies, and a multitude of arts organizations. Economic downturn and the assault on the arts which took place last year have already begun to take their toll. We are all aware of the realities of a downturn in the economy. But what we must be aware of is the devastating effect which a tightening of resources, pullback of contributions and shrinking Federal percentage has had on the artistic community: 42 percent of nonprofit theatres ended their seasons with operating deficits, while seven theatres, an unusually high number according to the theatre communications group, ceased operations in 1990 due to financial adversity; 24 of 50 dance companies surveyed by Dance/USA posted deficits while six of the Nation's finest companies came dangerously close to the brink of financial disaster this year; 47 percent of recently surveyed opera companies surveyed, had losses; and, of the 40 largest orchestras in the United States, 27 posted operating deficits at the close of the 1989–90 season.

Meanwhile, as a result of last year's reauthorization legislation, five NEA program categories have been eliminated and $12 million shifted from the program discipline grants—money already spread extremely thin—to the States. There have also been severe repercussions at State and local levels and in the philanthropic world.

For the first time in 13 years, State arts appropriations and State per capita spending on the arts have decreased. Due to fiscal woes, State governments are slashing budgets. While arts groups realize that these are difficult times and are willing to carry their load, they have been targeted for disproportionate cuts. Not only in New York, but also in Virginia, Missouri, Massachusetts, Michigan, and other States.

Those who oppose government funding of the arts by alleging that the private sector and private contributions will absorb any pullback or dissolution of Federal and other government funding are simply not in touch with reality. Their argument could not be further from the truth. One corporate representative of the philanthropic community made the point very succinctly: "If the Government feels that the arts are in important priority, we're going to follow suit. If it cuts back, we're also going to think twice." Simply put, where the Federal Government leads, State and local governments and other sectors of the country follow.

The truth of the matter is that these are catalytic and effective funds. For fiscal year 1991, NEA programs grants totaling approximately $122.4 million generated $1.47 billion in nonfederal funds. That is a greater than 10:1 impact and a wallop of an effect.

Mr. Chairman, I would also like to praise the many and fine activities of the NEH and IMS, which, through aid to museums and other humanities organizations, help educate and engage our citizens.

The subcommittee and full committee have wisely taken these factors into account and, while weighing budgetary concerns, have included increases for the Federal arts agencies. This commitment to our national culture is nothing less than a commitment to our Nation's soul. It is through our art and culture that we educate our children, develop the humanity and understanding of all of our citizens, and write the living history of our national heritage.

I urge full support for this bill and for maintainment of funding levels for our Nation's Federal arts agencies.

□ 1700

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in previous years I have raised some concerns about elements of the bill that related to activities of the Committee on Science, Space, and Technology. I want to rise in support of what the committee has done in these areas this year.

Mr. Chairman, I think the committee has done an excellent job of staying within the authorization levels as reported by the Committee on Science, Space, and Technology last month. There are a few technical places where there are some differences between the authorization and the appropriation, but, in total, in the fossil fuels account the committee is $25 million under the total fossil fuel authorization of $471 million in 1992, and I think the committee deserves to know that we on the Committee on Science, Space, and Technology appreciate your concern with our priorities.

In fact, the appropriation tracks many of the areas that the administration and the Committee on Science, Space, and Technology have established as priorities in conservation and R&D, especially in the electrical vehicle area.

Mr. Chairman, of particular concern, Members may remember last year I spoke about the fact that there had been an earmarking within the metal castings account. This year I see that $3 million is appropriated, but we do properly compete with them under the authorization process within the bill, and I am thankful for that. I think that that moves in the right direction.

Mr. Chairman, I would point out one other thing which I think is very favorable about this bill. The bill is below the level of outlays that would be required to keep it within the balanced budget amendment. Therefore, the balanced budget amendment will not be offered to this bill, since the committee has already brought it below the level that would be seen as appropriate under the balanced budget.

Mr. YATES. Mr. Chairman, I yield 1 minuted to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I rise today in support of H.R. 2686, especially the energy conservation measures. If this Nation learned one thing from its recent Middle East entanglements, it is that oil is a slippery basis for national security. In that light, I would congratulate Mr. YATES on the energy conservation appropriations which show tremendous forsight and commitment to energy efficiency. Energy conservation is a vital component of any effort to wean this nation from its addiction to foreign oil.

The administration's recent national energy strategy pays homage to energy efficiency. But when it comes to conserving the resources we have and taking concrete steps, it is woefully lacking.

H.R. 2686 would allocate approximately eight times the amount the President has proposed for conservation grants and low-income weatherization. It would provide significantly more funding for institutional conservation programs and other state conservation programs. Most importantly, research and development will not be left out in the cold. The bill au-

thorizes $59 million, or 28 percent, more for conservation R&D than in fiscal year 1991. These funds cover research on energy conservation in buildings, industrial facilities, transportation, and utilities.

As chairman of the Environment Subcommittee and a member of the Energy and Power Subcommittee, I have had a chance to see the wonders of energy efficiency. For example, high-efficiency light bulbs use 75 percent less energy than conventional bulbs. DOE research funding into double glazed windows has yielded a payoff of 6,500 to 1. Not a bad investment. I want to commend Chairmen BROWN, DINGELL, and SHARP for their commitment to energy efficiency as well.

Improving energy efficiency is a vital component of any energy plan. H.R. 2686 recognizes this and I congratulate Mr. YATES for his commitment to energy efficiency.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I want to thank the chairman very much for yielding this time, and congratulate him and the ranking member, the gentleman from Ohio [Mr. REGULA], for a job well done.

Mr. Chairman, I would like to just devote a few seconds to talk about an element of this bill which might be overlooked, and that is the matter of historic preservation. I am advised that some $36 million is recommended for appropriation in this bill for that very important function of historic preservation. That is up $1.5 million from fiscal year 1991.

Historic preservation is not only good for the country, it preserves our traditions, our history, our national patrimony, but it makes very good sense. It is good for the environment, that we do not tear down in order to build up. It makes good sense from the cost effectiveness of preserving America's beautiful scenery and beautiful structures.

Mr. Chairman, I want to thank the gentleman from Illinois [Mr. YATES] for a job well done, on behalf of those who are very much interested in historic preservation, and salute my friend from Ohio [Mr. REGULA] for his consultative work in this area.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill, H.R. 2686, making appropriations for the Department of the Interior and related agencies for fiscal year 1992.

I commend the chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, as well as the subcommittee's fine staff, for producing this fair and balanced bill.

In particular, Mr. Chairman, I would like to thank the subcommittee for including $7 million to continue willing-seller acquisitions within the Sacramento River National Wildlife Refuge.

The $5.15 million that the Congress, with the committee's leadership, has provided thus far has allowed for the acquisition of six tracts totalling 1,865.34 acres. The $7 million recommended by the committee in fiscal year 1992 will permit the acquisition of a large portion of the appraised or optioned parcels, including efforts to continue to the acquisition of the 14,000 acre Parrott Ranch, the largest remaining private parcel in the Sacramento Valley and a great expanse of relatively undisturbed natural habitat.

The acquisition of these parcels will significantly benefit the protection of Federal and State listed endangered, threatened, and candidate species; assist in spawning opportunities for California's most productive anadromous fisheries—7 out of 10 salmon caught off the California coast spawn along the Sacramento River—and, contribute to saving one of the most endangered habitat types in California, the Sacramento River's jungle-like riparian forests were once about 800,000 acres, but today are down to 14,000 acres, or less than 2 percent.

I would also like to thank the chairman of the subcommittee for providing an additional $5 million to the Forest Service to implement the Santini-Burton single family lot acquisition program at Lake Tahoe. The funding provided by the committee will permit the continued purchases of up to 400 highly sensitive and small parcels, which pose a particular threat to continuing decline in water quality at the lake. With the committee's continued leadership, we can sustain public confidence in this program to encourage lot owners to rely on it economically. Otherwise, the pressure will build to overdevelop the lake, and overdevelopment will resume.

We are at a critical time in the efforts to correct the environmental problems at Lake Tahoe. The number of vacant, sensitive lots in private ownership has been dramatically reduced. In 1980, there were more than 8,000 lots that had been identified for acquisition. The inventory is now down to approximately 4,000.

I also thank the subcommittee, in general, for its responsiveness to the many natural resource needs of the State of California. The subcommittee members faced enormous constraints in putting together this bill, and I greatly appreciate the subcommittee's receptiveness to the concerns of those who live in our region of the country.

Mr. Chairman, I urge adoption of the bill.

Mr. SLATTERY. Mr. Chairman, first of all, I want to thank Chairman YATES and his staff for the excellent work they have done on this bill. This bill represents a difficult task and I want to personally commend Chairman YATES and the committee for their efforts.

I specifically would like to speak in support of the funding in this bill which recognizes the importance of native American higher education.

Haskell Indian Junior College, which is one of the only two national colleges for native Amercians in the country and which is located in Lawrence, KS, has an important mission for native Americans across the country.

In the past Haskell has survived severe budgetary setbacks and has provided quality education to native Americans across the country in spite of efforts by the previous administration to shut it down.

I am pleased the Appropriations Committee, under Chairman YATES' leadership realized the importance of adequately funding Haskell, and I am especially pleased the committee agreed to restore $777,000 to Haskell's budget that President Bush had requested be cut.

This funding will bring Haskell's fiscal year 1992 instructional budget to the same level as the 1991 budget. More importantly, it will allow the popular and successful summer school and natural resources programs to continue next year.

Both the Summer School and Natural Resources Program are proven and effective. Cutting these programs, as proposed by the Bush administration, would have been a tragic mistake and posed a severe setback for Haskell.

The sum of $200,000 was approved for necessary program development at Haskell. This funding will help Haskell implement its Vision 2000 plan, a comprehensive blueprint for improving the teaching and library facilities at Haskell so that it will be possible for the school to achieve its goal of offering baccalaureate degrees in elementary education.

The ability to offer teaching degrees is critically important to the native American community given the well documented shortage of native American teachers, particularly on the reservation.

Finally, I would like to commend the committee for including $3 million which would allow Haskell to finance the construction of much-needed on-campus housing. Housing is a top priority for Haskell as overcrowding has become a serious problem.

Haskell has been attempting to deal with a serious housing shortage for several years. The Bureau of Indian Affairs Office of the Inspector General issued reports in 1987 and 1990 which stated that Haskell needed to reduce its on-campus enrollment in order to comply with dormitory occupancy standards.

Thanks to the committee's recommendation providing for construction of a new dormitory, young native Americans will no longer be turned away from the educational opportunities Haskell has to offer.

If self-determination and independence from government are to remain the benchmark of Federal efforts toward native Amercians, then we must do all we can to see that this population has access to quality education. Haskell Indian Junior College provides the tools for such an endeavor.

I am grateful to my colleagues on the Appropriations Committee for recognizing that it would be a tragic mistake to jeopardize the quality of education at the single most important institution of higher learning in the native American community.

I urge my colleagues to support H.R. 2686.

Mr. LOWERY of California. Mr. Chairman, I rise in support of H.R. 2686, the Interior and related agencies appropriations bill for fiscal year 1992 and request permission to revise and extend my remarks. Mr. Chairman, this is a sound bill and I would like to commend Chairman YATES and Mr. REGULA for all their work and leadership in bringing this measure to the floor.

As the chairman of the subcommittee stated earlier this bill is well within all the guidelines as far as budgetary constraints are concerned.

Certainly, the subcommittee had to make some hard decisions to produce a bill within these rigid fiscal standards. I commend the chairman's leadership in crafting a bill that meets these tough standards and also properly addresses the needs of the various agencies and programs funded by this bill.

I am also pleased to note H.R. 2686 contains bill language, consistent with the President's decision with respect to OCS leasing restrictions in areas covered by the President's statement last June. There have been several large strides this past year in developing a comprehensive and reasoned long-term OCS policy for the Nation. A year ago the President released his long-term policy proposal for OCS and earlier this year the Minerals Management Service released a draft proposal of the comprehensive OCS 5-year plan. However, neither of these proposals have been formalized. The moratorium in this bill provides an instrument to ensure we do not lose these positive cautious steps toward protecting our resources and environment.

Again, Mr. Chairman I commend Chairman YATES and the subcommittee staff for their diligence in bringing this fine bill to the floor and urge my colleagues to support it.

Mr. WELDON. Mr. Chairman, I rise today to thank those who have supported me in my efforts to rename Tinicum National Environmental Center in honor of our late colleague John Heinz. In particular, I would like to thank 20 of my Pennsylvania colleagues who joined me in writing to the Subcommittee on Interior Appropriations urging them to include language in the Interior bill that renames Tinicum as the John Heinz Wildlife Refuge at Tinicum. It was through the help of both Mr. MCDADE and Mr. MURTHA that an amendment was offered to the Interior appropriations bill that renames this unique wildlife refuge in Pennsylvania. Finally, I would also like to thank both Mr. YATES and Mr. REGULA for their support in this effort.

Mr. Chairman, I rise today to recognize Senator Heinz's tireless dedication and committment to the environment. Not only was Senator Heinz one of Congress' most innovative environmental thinkers, but he was an active advocate of workable environmental solutions. It is because of his outstanding commitment to the environment that I rise in support today of renaming the Tinicum National Environmental Center in Philadelphia, PA to the John Heinz National Wildlife Refuge at Tinicum.

John Heinz cared passionately about the environment. Among his many environmental achievements was the idea that market forces should be harnessed to work for the environment instead of against it. This idea was transformed into a study titled Project 88, which provided the inspiration for key elements in the landmark clean air legislation which was enacted last year. In addition, the study provided the basis for bills that Senator Heinz introduced to encourage the recycling of motor oil, lead batteries, and newspapers.

Established in 1972, Tinicum National Environmental Center is one of three national urban wildlife refuges. Under the legislation passed by Congress in 1972, authority was given to the Secretary of the Interior to acquire 1,200 acres to establish Tinicum National Environmental Center.

Each year, Tinicum hosts over 47,000 visitors who participate in bird watching, environmental education programs, photography, bicycling, and fishing. In addition, Tinicum is home to 208 avian species and to countless other wildlife species including opossums, brown bats, muskrats, and white tailed deer. Tinicum also serves as an environmental educational resource for the residents of the area and for local teachers and students.

Finally, Mr. Chairman, I urge my colleagues to support the Interior appropriations bill which contains the provision renaming the Tinicum National Environmental Center as the John Heinz Environmental Center at Tinicum. It seems only appropriate to rename this unique wildlife refuge after a truly dedicated environmentalist, and I hope my colleagues will join in support of this fitting tribute.

Mr. BEREUTER. Mr. Chairman, this member would like to take this time to thank the chairman of the Appropriations Subcommittee on the Interior, the gentleman from Illinois [Mr. YATES] and the ranking Republican on that subcommittee, the gentlemen from Ohio [Mr. REGULA] for their interest and concern in the health needs of the Winnebago Indian Tribe of Nebraska. The Winnebago Indian Health Service Hospital is over 50 years old and in dire need of replacement. The chairman and ranking Republican and their staff have taken much time to consider the different problems that the tribe is facing as they work with Indian Health Service to determine the type of health care facility that would best meet the needs of the Winnebago and Omaha Tribes and the other Indian people who reside in northeast Nebraska. This Member appreciates that the subcommittee approved report language that urges the Indian Health Service to work with the Winnebago Tribe to reach consensus on an appropriate health facility for the tribe.

In addition, this Member would like to thank the subcommittee for including report language to earmark $100,000 for an evaluation of the highly effective drug dependency unit at the Winnebago Hospital. This is the only inpatient drug dependency unit for adults in the Indian Health Service System.

Although there are many desperate needs in Indian country, especially in the area of health care, this Member is impressed to see the care and compassion shown by the gentleman from Illinois [Mr. YATES] and the gentlemen from Ohio [Mr. REGULA] as they considered the needs of the Indian people of Nebraska.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I have no further requests for time, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the Chair, Mr. GORDON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2699, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–129) on the resolution (H. Res. 181) waiving certain points of order during consideration of the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JOHN SUNUNU—A VICTIM OF POLITICAL CANNIBALISM

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, John Sununu is the victim of political cannibalism.

It happens here in Washington, every once in a while, usually in the heat of summer.

In Rome, they threw Christians to the lions. Our bloodsport today is much more civilized. We feed people like John Sununu to the sharks.

Does it make you sick, Mr. Speaker, to see the compulsive glee that pokes through the masks of self-righteous indignation worn by those throwing stones at the White House chief of staff?

Does the foul stench of envy that permeates each fevered meeting of the bash Sununu cabal fill you with disgust?

Today, the Washington Post ran two stories side by side on page A–5. On the left, reporter Thomas Edsall characterized the Democratic Party as being "unable to develop an agenda backed by strong popular support." Next to this ran the daily Associated Press coverage of the Sununu summer sports. I include these stories for the RECORD.

To me the message of these side by side stories was typical: "If you can't find something nice to say for yourself—malign your neighbor."

There is no nastier side to politics, Mr. Speaker, than what happens when people in this city smell blood. And there is no nastier time for that to happen than when the news is slow, there is a shortage of ideas, and people

have a sense that their constituents are unhappy.

I pray that John Sununu will be able to withstand all of the thousands of cuts and stabs he is receiving at the hands of men less worthy than he.

John Sununu has broken no law. John Sununu has served his President and his country fully and ably—and he has done so at tremendous personal sacrifice, especially financial.

Let the Sununu summer sports end.

THE FIRST SLICE IS OUT OF SUNUNU

(By Wesley Pruden)

George Bush is a nice guy, and he pays the price.

So does John Sununu, and if the governor goes—there is no indication that The Washington Post is even close to winning this vendetta—the president and whoever replaces the governor will continue to pay.

This current episode about Mr. Sununu's travels is not actually about his travels, as everyone in Washington knows, but about The Post's pique and the governor's politics.

Nobody in Washington, where waste was invented, cares how much Mr. Sununu or anyone else spends on airplanes or cars or trains, or even steamships, if his tastes should run to the open sea.

If anyone did, Air Congress, the world's most luxurious airline, would have been shut down years ago. Mr. Sununu is a rustic stay-at-home compared with any one of a dozen congressmen who give new meaning to the term "frequent flier." The Air Force has put lots of wear and tear on its planes hauling Les Aspin's girlfriend around the country, for example, and while this may or may not lift the lucky Mr. Aspin's spirits, it doesn't do much for the rest of us.

Dozens of congressmen signed up this year for free rides to the Paris Air Show, many with indulged spouses and spoiled children, and they might be there yet, ordering $25 pickled-herring sandwiches from room service for delivery to $300-a-night suites at the Meriden Hotel, if this newspaper had not reported the looting.

None of this is of any interest to The Post, naturally, because it's not chicanery they're after, but George Bush. The Post was mightily angry when the first round of cannonading at Mr. Sununu began, and instead of congressional Democrats piling on, as expected, the courageous and principled congressmen, with Air Congress suddenly under scrutiny here, ran like the Yankees at First Manassas.

The president knows that Mr. Sununu did nothing bad, or even wrong, when he went to a stamp show in New York City in his government car. He understands that's why the chief of staff has a government car. But The Post, ever mindful of the resentments and frustrations of a constituency that may not live long enough to see another Democratic president, imagines it can portray taking a ride in a government car, which would otherwise be idling in the driveway waiting for Mr. Sununu's return, as the greatest crime since Teapot Dome.

Mr. Sununu makes the argument, which sounds sensible to most of us, that his government travel arrangements to New York were necessary because he must have access to immediate, secure communications with the White House.

"That whole morning I was on the phone constantly to Cabinet members, House and Senate members, White House staff," he says of his drive to New York.

Mr. Bush's weakness is that he's an earnest believer in the Sunday-school maxim that if you treat a fellow right, he'll treat you right.

Washington, alas, ain't Sunday school. What President Bush is looking at is the Great Washington Media Baloney-Slicing Machine, which destroys one minuscule cut at a time. The headline and lead paragraphs of The Post's Page One story reporting how angry the president was at Mr. Sununu was littered with weasel qualifiers like "said to be," "reportedly," "sources said," "apparently," and "believed to," which is the aroma of baloney suddenly in the sun.

The only way Mr. Bush can stop this is to tell The Post to shut up, and hunker down. The capital graveyards are full of Republicans who lie beneath headstones inscribed: "Here lies a fool, who thought amiable reason would appease The Post." (Apologies to R. Kipling.)

Otherwise the attack on John Sununu (and whoever succeeds him) will happen again and again. Someone will see him use a quarter in a pay phone that looks a lot like the quarter that someone thinks he saw in the petty cash drawer, and it won't matter that he's using the quarter to call the fire department to put out the fire at the orphanage for homeless Third World crippled children. The attack will only intensify.

[From the Washington Post, June 24, 1991]

SUNUNU BASHED

(By Rowland Evans and Robert Novak)

A new wave of bashing that has left an exhausted and bitter John Sununu provides a case study of how Washington operates and where George Bush is vulnerable.

It would seem ludicrous in imperial Washington that an unglamorous limousine ride to New York City would bring the White House chief of staff to a point where a close political associate privately refers to him as an "albatross" around President Bush's neck. The reason lies in Sununu's style and ideology.

After yet another transportation flap involving a trip to Chicago, Sununu over the weekend issued his first partial admission of error. But more than travel regulations are at issue.

Sununu's day off would not have produced week-long front page stories in the nation's great newspapers had it not been for Bush's ambiguity. Although no other subordinate is so critical to the administration's domestic program, the president could not bring himself to give Sununu a totally clean bill of health but instead mused about the need to keep up "appearances."

Actually, concern for appearances shaped Sununu's latest mode of travel. During the previous transportation furor, aides say Bush was most concerned by the chief of staff's use of military aircraft to attend political events. It was decided that like many congressmen, he would use corporate jets for such events—including a pending Republican fund-raiser in New Jersey.

Sununu, an inveterate hobbyist who unlike other Washington power brokers is not consumed by affairs of state, told the president that former Delaware governor Pete du Pont's rare German Zepelin stamps were being sold in Manhattan and that he was tempted to drop by before the Jersey event. Bush urged Sununu to take the day off.

It was then Sununu made two mistakes based on hubris and self-confidence. First, he turned down a colleagues's advice to ride the Amtrak Metroliner to Manhattan, with news media filming his departure. "That would be a concession I should not make," he said. He took a White House limo instead, insisting he should have 24-hour secure communications access to the president. Second, after News-week reported the trip, Sununu went on ABC's David Brinkley program.

Even after Sam Donaldson's blistering, Sununu did not envision the fire-storm. Nor did Republican political wise man Charley Black, who was called on for advice. Why in fact the stamp-buying trip devastated Sununu is more interesting than the trivial incident itself.

The deluge confirmed Sununu's view that The Washington Post is out to get him for non-cooperation. What makes him so discouraged, he tells friends, is that he feels the rest of the news media follow the leader. White House aides most supportive of him see a media vendetta seeking to get even for both Sununu's contemptuous treatment and his ideology.

There is no question Sununu's right-wing views have built a coalition against him never arrayed against James Baker, Howard Baker, Kenneth Duberstein or even Donald Regan. He has antagonized the civil rights, environmental and school lobbies. Perhaps most important is Sununu's suspicion that attacks from sources that might be expected in his corner have come because he is a second-generation Lebanese-American who is not fully supportive of Israel's demands on the United States.

But ideology does not explain all. Sununu has tromped on so many toes the past 2½ years that any petty indiscretion is widely welcomed. He can count on vengeful associates to disclose details of a day off in Manhattan. Even conservatives who ought to be in his cheering section are muted.

Consider one congressman and one administration official, staunch ideological allies who have been engaged in nasty personal confrontations with Sununu. Although the congressman views Sununu as "an instinctive conservative there to remind Bush when he gets off the reservation as no one else would or could," he adds "there is a limit to how dumb a man can be." The administration official regards Sununu as "indispensable to everything we are working for" but cannot forget his hard feelings over personal conflicts.

One colleague who never has exchanged an unpleasant word with Sununu is George Bush. But what transformed the New York incident into a crisis is the perception of incomplete support from the president, who declared "nobody likes the appearance of impropriety." Naturally, the news media reported this and played down presidential comments that "I back him up on this" and critics are "piling on."

Bush uses Richard Nixon as a presidential model, including deployment of hard-nosed chief of staff. But while Nixon defended H.R. Haldeman at his own cost, Bush is seen moving toward possible willingness to throw Sununu over-board if need be for the sake of appearances. In an environment where players constantly seek signs of weakness in their adversaries, that is duly noted.

[From the Washington Times, June 24, 1991]

HOW THE DRIVING GAME IS PLAYED

(By Patrick Buchanan)

Last week, two friends, walking by the White House, were held up by police as a quarter-mile-long motorcade roared out of the main driveway onto Pennsylvania Avenue, police sirens blaring.

Mused one, "Must be Sununu going to lunch."

"George Bush has taken up jogging again," jokes late night comic Jay Leno, "Sununu's taken his car."

There is blood in the water here. Regular mention in Jay Leno or Johnny Carson's monologue means big trouble. The next (often final) scene for an appointed official is the appearance, at 6 a.m., at the end of the driveway, of the "death watch"— a camera crew set up for a shot of the soon-to-be-deceased, as he departs for work. Few survive after a death watch begins.

Why is Mr. Sununu in trouble? In part, because he has asked for it.

After those 70 or 80 trips on military jets surfaced in the press, unsettling President Bush, John Sununu should have realized he was cut and bleeding, and the sharks had a scent. Using a White House car to drive to New York, on a weekday, to make $5,000 in buys for a stamp collection, opened a major artery, persuading the sharks to go in for the kill. As for soliciting corporations for company jets to fly him to speaking engagements, well, that borders on the suicidal. (Mr. Sununu admitted Saturday that "some mistakes were made" regarding his travels and he would now pay more attention to the rules.)

One more deep cut, and Mr. Sununu becomes a liability Democrats will exploit in 1992. His enemies who are legion, and Mr. Bush's friends who are looking to better the Nixon and Reagan 49-state landslides, will move. At which point, Mr. Sununu belongs to the ages.

That would be regrettable, because John Sununu has not only been a portrait in loyalty, he has been an excellent White House chief of staff.

The loyalty was exhibited early on when the New Hampshire governor stomped up to a closed TV station, the Saturday before the Tuesday primary, demanding it open its doors and run a weekend of new attack ads on Bob Dole's tax stand that guaranteed a big win and the Republican presidential nomination for Mr. Bush.

No one but Barbara Bush did more to make George Bush president.

Together with the president, John Sununu has made this White House a place where, until recently, the back-stabbing leak was an uncommon event. That Mr. Bush has defied predictions and emerged with an approval rating Dwight Eisenhower or John Kennedy would have envied is in part a tribute to the engineer who runs his staff.

Mr. Sununu, however, shares several attitudes and attributes with his predecessors H.R. Haldeman and Donald T. Regan. First is total loyalty to the man he serves. Second is that he refuses to feed the press those delicious scraps that fall from the Oval Office and Cabinet tables. Third, he relishes the role of tough customer, does not take pains to make himself popular, and engages from time to time in that most dangerous of local sports, press-baiting.

But an unfed press is an unhappy press; and those who keep it unfed ought to make certain they do not come within biting distance of the beasts. In conversation with The Washington Times' Paul Bedard, three colleagues admitted they would like to take Mr. Sununu out: "I'd like to get that fat—." said one affectionately.

Is the press being neutral, objective and fair? Of course not. Journalists are human beings, too. They take care of those who take care of them, and they take care of those who do not take care of them.

Illinois Rep. Dan Rostenkowski, for example, is one of the best-liked men in Washington. The morning we read of John Sununu's $300 car ride to New York, it was revealed that Danny had raked in—in 1990 alone—$310,000 in speaking fees. Though he gave nine-tenths to charity—(Are the Catholics building a St. Danny's Cathedral in Chicago?)—no one is on Mr. Rostenkowski's case. Nor were they on Pennsylvania Rep. Bill Gray's case, who reported $60,000 in speaking fees, four trips to the Caribbean at taxpayers' expense, and four more to Florida.

Danny Rostenkowski is part of the permanent city; and the media know there is nothing they can do. He is, after all, elected. But if the press can make Mr. Sununu into an albatross—as they did Earl Butz, Bert Lance, Jim Watt and Don Regan—to the Oval Office, they can take him out. That's the game now.

Another sign Mr. Sununu has begun to bleed is the White House mice, silent for two years, have begun squealing to the press. Mr. Sununu's decision to run a frugal White House—not conferring the high salaries, fancy titles and White House mess privileges on all speechwriters, for example—may be coming back to bite him.

One aide told The Washington Post that Mr. Bush himself was "upset, angry and perplexed" over the stamp-collecting expedition. As that is the kind of leak that enrages a president, unless he wants it leaked, this does not bode well.

My own hope is that Mr. Sununu survives. First, because his lapses in judgment do not justify the capital punishment this city imposes on politicians it does not like. Second, because the press is indeed "piling on," as Mr. Bush says. (Sometimes you have to root for the bull to unhorse and gore a few picadors). Third, whenever the press brands someone arrogant, obnoxious and snooty, usually the fellow has let the press know of his contempt. Folks who do that are often the gutsiest and most interesting people in a city that demands obeisance and conformity, especially of its new arrivals.

But were I Big Bad John, I would cancel most speeches, back out of all those presidential photos, fly American or Delta, and if there is a stamp auction, take Trailways or Greyhound, and leave the driving to us.

□ 1710

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

H.R. 2730, PENSION ACCESS AND SIMPLIFICATION ACT OF 1991

The Speaker pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing a very important piece of legislation, H.R. 2730, the Pension Access and Simplification Act of 1991. This bill is designed to address a major problem that we face in the delivery of adequate retirement benefits to America's workers. The rules have become so complex that employers—particularly small employers—are discouraged from establishing and maintaining qualified pension plans for their employees.

The Pension Access and Simplification Act addresses this problem by establishing a simplified retirement plan designed specifically for small business. This bill would allow small employers to set up a plan that encourages employees to take an active role in saving for their retirement without imposing on the employer the significant administrative costs generally associated with pension plans. In addition, the bill would maintain the underlying policy goal of assuring that all employees, and not just highly compensated employees, have adequate retirement benefits when they retire.

The bill would expand access to qualified pension plans by permitting State and local governments and tax-exempt organizations to maintain qualified cash or deferred arrangements [404(k) plans] for their employees.

In addition to improving access to qualified pension plans, the Pension Access and Simplification Act would significantly simplify the Federal rules applicable to qualified pension plans. These provisions not only would reduce the administrative burdens on employers who maintain qualified plans, but they also would reduce complexity faced by individual taxpayers. The provisions of the bill that simplify the rules relating to the taxation of distributions from qualified pension plans would benefit the 16 million individual taxpayers who currently receive benefits from such plans, as well as those who will receive benefits in the future.

Mr. Speaker, I am fully committed to the pay-as-you-go financing requirements enacted in last year's budget agreement. Thus, it is my intention to ensure that any simplification bill or, for that matter, any bill that is reported by the Committee on Ways and Means will not increase the Federal budget deficit. I have worked hard to make sure that this bill satisfies that requirement. Difficult decisions were required to ensure that the bill does not lose revenue over the budget period or in any year of the budget period. The Pension Access and Simplification Act would accomplish the goals of improving access to qualified pension plans and simplifying the rules relating to these plans in a manner that does not violate the pay-as-you-go requirements of last year's budget agreement.

Mr. Speaker, as with any revenue-neutral simplification effort, there will be winners and losers under this bill. Some people will criticize this bill because they are being asked to finance increased pension access and simplification. But, Mr. Speaker, in order to achieve significant simplification in this area, we must be ready to make the tough decisions. This bill will test the resolve of those who say they are committed to simplification of our Nation's private pension system.

Mr. Speaker, the Pension Access and Simplification Act will take a major step toward the simplification and rationalization of our private pension system. I have asked the Subcommittee on Select Revenue Measures to hold hearings on this bill next month. I hope that we will receive useful input from employers and practitioners who are forced to deal with

the many layers of Federal regulation of pension plans on a daily basis.

For the record, I am including the following summary and technical explanation of the provisions of H.R. 2730, the Pension Access and Simplification Act.

SUMMARY OF THE PENSION ACCESS AND SIMPLIFICATION ACT OF 1991

I. SIMPLIFIED DISTRIBUTION RULES

1. Liberalization of rollover rules—The bill would allow an employee or surviving spouse to roll over any portion of a distribution he or she receives from a qualified retirement plan, unless the distribution is (1) a minimum distribution required under the Internal Revenue Code or (2) part of a stream of annuity payments payable over a period of 5 years or more, or over the life (or life expectancy) of the employee or the joint lives (or joint life expectancies) of the employee and his or her beneficiary.

2. Repeal of rules for lump-sum and other distributions that are no longer necessary—The bill would repeal (1) 5-year forward income averaging for lump-sum distributions, (2) the $5,000 death benefit exclusion, and (3) the exclusion of net unrealized appreciation of employer securities. These rules would no longer be necessary because of the liberalization of the rollover rules under the bill. Effective in 1993, the bill would also repeal the grandfather rule under the Tax Reform Act of 1986 that allowed certain individuals to elect 5- or 10-year averaging. Under a special transition rule, taxpayers could elect to apply the grandfather rule with respect to 50 percent of a lump-sum distribution received in 1992. The other 50 percent would be subject to the new rules under the bill and could, for example, be rolled over tax free under the rollover provisions of the bill.

3. Simplified basis recovery rules—The bill would provide a simplified rule under which employees can determine the portion of a pension distribution that represents nontaxable return of basis.

4. Elective trustee-to-trustee transfers—The bill would require plans to allow participants to elect to have distributions transferred directly to another qualified plan rather than receiving the distribution themselves. To give employers sufficient time to implement this rule, the requirement would not take effect until 1993.

II. INCREASED ACCESS TO PENSIONS

1. Simplified salary reduction plan for small employers—The bill would establish a new simplified retirement program for employees of small businesses. Employers with 100 or fewer employees and no other retirement plan would be relieved from testing for nondiscrimination if they make a base contribution of 3 percent of pay (up to $100,000) for each eligible employee, (Employers who terminate another plan to establish a simplified plan would be required to contribute 5 percent of pay). Employees could elect to contribute additional amounts to the plan up to $5,000 on a pre-tax basis. Also, employers could match up to 50 percent of each employee's contribution. These programs would be available to qualifying private employers, State and local governments, and tax-exempt organizations.

2. Cash or deferred arrangements for State and local governments and tax-exempt employers—The bill would make cash or deferred arrangements available to tax-exempt employers beginning in 1992, and to State and local governments beginning in 1995.

3. Preapproved master and prototype plans—The bill would permit the Internal Revenue Service to prescribe rules defining the duties and responsibilities of sponsors of preapproved master and prototype retirement plans. These plans can be adopted by employers to relieve them of the burden of keeping abreast of changes in retirment plan law and amending their plans to conform with such changes.

III. MISCELLANEOUS SIMPLIFICATION

1. Simplified definition of leased employee—The bill would narrow the application of the employee leasing rule by repealing the present-law "historically performed" test and replacing it with a "direction or control" test.

2. Simplified testing for section 401(k) plans.—The bill would replace the present-law two-prong nondiscrimination test for elective contributions under cash or deferred arrangement with a single test that would be applied at the beginning of each year. Under the test, each highly compensated employee could defer up to 200 percent of the average deferral percentage of eligible nonhighly compensated employees for the prior year. A similar rule would apply to employer matching and employee after-tax contributions.

3. Simplified definition of highly compensated employee—The bill would narrow the definition of highly compensated employee by defining a highly compensated employee as someone who makes more than $65,000 (indexed) or is a 5 percent owner. The bill would also eliminate the family aggregation rules for employees who are not 5 percent owners and would reduce the number of family members that must be aggregated.

4. Timely publication of cost-of-living adjustments—The bill would require that the cost-of-living increases to qualified plan dollar limits be published before the beginning of the plan year, and that such limits be rounded to the nearest $1,000 or $100.

5. Elimination of half-year requirements—The bill would change the rules under present law that are keyed to ages 59½ and 70½ to ages 59 and 70, respectively.

6. Conform plans covering self-employed individuals—The bill would conform most of the rules governing Keogh plans to those applicable to other qualified plans.

7. Establish alternative full funding limitation—The bill would permit certain employers to elect an alternative full funding limitation with respect to any defined benefit plan based solely on the accrued liability under the plan. The Secretary would be required to adjust the 150-percent of current liability full funding limit for other plans so than the provision is revenue neutral.

8. Permit distributions after age 59 from rural cooperative plans—The bill would conform the rules for distributions from cash or deferred arrangements by providing that a rural cooperative plan that includes a qualified cash or deferred arrangement will not be disqualified merely by reason of a distribution to a participant after the attainment of age 59.

9. Allow separate nondiscrimination testing for nonunion air pilots—The bill would treat certain nonunion air pilots as a separate class of employees for nondiscrimination testing purposes.

10. Conform vesting schedules of multiemployer plans—The bill would require multiemployer plans to comply with the vesting schedules applicable to other qualified plans, by eliminating the special 10-year cliff vesting schedule available to such plans under present law. This provision would apply to plan years beginning after the expiration of the collective bargaining agreement pursuant to which the plan is maintained, but not later than the 1994 plan year.

11. Expanded definition of retirement age—The bill would provide that the social security retirement age (not age 65) is generally the maximum normal retirement age.

IV. EFFECTIVE DATE

Except as otherwise indicated above, the provisions of the bill generally would be effective for years beginning after December 31, 1991.

TECHNICAL EXPLANATION OF THE BILL

A. Title I—Simplified Distribution Rules (secs. 101–103 of the bill and secs. 72, 101(b), 401, 402, and 403 of the Code):

PRESENT LAW

In general

Under present law, a distribution of benefits from a tax-favored retirement arrangement generally is includible in gross income in the year it is paid or distributed under the rules relating to the taxation of annuities. A tax-favored retirement arrangement includes (1) a qualified pension plan (sec. 401(a)), (2) a qualified annuity plan (sec. 403(a)) and (3) a tax-sheltered annuity (sec. 403(b)). Special rules apply in the case of lump-sum distributions from a qualified plan, distributions that are rolled over to an individual retirement arrangement (IRA), distributions of employer securities, and employer-provided death benefits.

Rollovers

Under present law, a total or partial distribution of the balance to the credit of an employee under a qualified plan, a qualified annuity plan, or a tax-sheltered annuity may, under certain conditions, be rolled over tax free to an IRA or another qualified plan or annuity (secs. 402(a), (403(a), and 403(b)). A rollover of a partial distribution is permitted if (1) the distribution equals at least 50 percent of the balance to the credit of the employee, (2) the distribution is not one of a series of periodic payments, (3) the distribution is made on account of death, disability, or separation from service, and (4) the employee elects rollover treatment. A partial distribution may only be rolled over to an IRA and not to another qualified plan.

The maximum amount of a distribution that can be rolled over is the amount of the distribution that would otherwise be taxable. That is, after-tax employee contributions cannot be rolled over. In addition, minimum required distributions (sec. 401(a)(9)) may not be rolled over. The rollover must be made within 60 days after the distribution is received.

Lump-sum distributions

Under present law, lump-sum distributions from qualified plans and annuities are eligible for special 5-year forward income averaging (sec. 402(e)). In general, a lump-sum distribution is a distribution within one taxable year of the balance to the credit of an employee which becomes payable to the recipient (1) on account of the death of the employee, (2) after the employee attains age 59½, (3) on account of the employee's separation from service, or (4) in the case of self-employed individuals, on account of disability. In addition, a distribution is treated as a lump-sum distribution only if the employee has been a participant in the plan for at least 5 years before the year of the distribution. Lump-sum treatment is not available for distributions from tax-sheltered annuity contracts (sec. 403(b)).

A taxpayer is permitted to make an election with respect to a lump-sum distribution received on or after the employee attains age 59½ to use 5-year forward income averaging

under the tax rates in effect for the taxable year in which the distribution is made. However, only one such election on or after age 59½ may be made with respect to any employee.

Special transition rules adopted in the Tax Reform Act of 1986 are available with respect to an employee who attained age 50 before January 1, 1986. Under these rules, an individual, trust, or estate may elect to use 5-year forward averaging (using present-law tax rates) or 10-year forward income averaging (using the tax rates in effect prior to the Tax Reform Act of 1986) with regard to a single lump-sum distribution, without regard to whether the employee has attained age 59½. In addition, an individual, trust, or estate receiving a lump-sum distribution with respect to such employee may elect to retain the capital gains character of the pre-1974 portion of the lump-sum distribution (using a tax rate of 20 percent).

Net unrealized appreciation

Under present law, a taxpayer is not required to include in gross income amounts received in the form of a lump-sum distribution to the extent that the amounts are attributable to net unrealized appreciation in employer securities (sec. 402(a)). Such unrealized appreciation is includible in gross income when the securities are sold or exchanged. The special treatment of net unrealized appreciation applies only if a valid lump-sum distribution election is made, but disregarding the 5 plan years of participation requirement for lump-sum distributions.

In addition, gross income does not include net unrealized appreciation on employer securities attributable to employee contributions, regardless of whether the securities are received in a lump-sum distribution. Such appreciation is includible in income when the securities are disposed of.

Employer-provided death benefits

Under present law, the beneficiary or estate of a deceased employee generally can exclude up to $5,000 in benefits paid by or on behalf of an employer by reason of the employee's death (sec. 101(b)).

Recovery of basis

Qualified plan distributions other than lump-sum distributions generally are includible in gross income in the year they are paid or distributed under the rules relating to taxation of annuities (sec. 402). Amounts received as an annuity generally are includible in income in the year received, except to the extent they represent the return of the recipient's investment in the contract (i.e., basis) (sec. 72). Under present law, a pro-rata basis recovery rule generally applies, so that the portion of any annuity payment that represents nontaxable return of basis is determined by applying an exclusion ratio equal to the employee's total investment in the contract divided by the total expected payments over the term of the annuity. The total expected payments depends on the form of the payment, e.g., a single-life annuity, an annuity with payments guaranteed for a specified number of years, or a joint and survivor annuity. For example, if benefits are paid in the form of an annuity during the life of the employee, the expected payments are calculated by multiplying the annual payment amount by the employee's life expectancy on the annuity starting date. If benefits are paid in the form of a joint and survivor annuity, then the total expected return depends on the life expectancies of both the primary annuitant and the person who is to receive the survivor annuity. The IRS has issued tables of life expectancies that are used to calculate expected returns.

Under a simplified alternative method provided by the Internal Revenue Service (IRS) (Notice 88-118) for payments from or under qualified retirement arrangements, the taxable portion of qualifying annuity payments is determined under a simplified exclusion ratio method. Under the simplified method, the portion of each annuity payment that represents nontaxable return of basis is equal to the employee's total investment in the contract (including the $5,000 death benefit exclusion under section 101(b), to the extent applicable), divided by the number of anticipated payments listed in a table published by the IRS. The number of anticipated payments listed in the table is based on the employee's age on the annuity starting date. The simplified method is available if (1) the annuity payments depend on the life expectancy of the recipient (or the joint lives of the recipient and his or her beneficiary), and (2) the recipient is less than age 75 on the annuity starting date or there are fewer than 5 years of guaranteed payments under the annuity.

Under both the pro rata and simplified alternative methods, in no event will the total amount excluded from income as nontaxable return of basis be greater than the recipient's total investment in the contract.

REASONS FOR CHANGE

In almost all cases, the burden of determining the extent to which and how a distribution from a qualified plan, tax-sheltered annuity, or IRA is taxed rests with the individual receiving the distribution. Under present law, this task can be burdensome. Among other things, the taxpayer must consider (1) whether special tax rules (e.g., 5- or 10-year income averaging or the special treatment of net unrealized appreciation) apply that reduce the tax that otherwise would be paid, (2) whether the distribution is eligible to be rolled over to another qualified plan, tax-sheltered annuity, or IRA, (3) the amount of the taxpayer's basis in the plan, annuity, or IRA and the rate at which such basis is to be recovered, and (4) whether or not a portion of the distribution is excludable from income as a death benefit. Simplifying these rules could benefit as many as 16 million individual taxpayers.

The number of special rules for taxing pension distributions makes it difficult for taxpayers to determine which method is best for them and also increases the likelihood of error. In addition, the specifics of each of the rules create complexity. For example, the present-law rules for determining the rate at which a participant's basis in a qualified plan is recovered often entail calculations that the average participant has difficulty performing. These rules require a fairly precise estimate of the period over which benefits are expected to be paid. The IRS publication on taxation of pension distributions (Publication 939) contains over 60 pages of actuarial tables used to determine total expected payments.

The complexity of the restrictions on rollovers under present law (e.g., the 60-day rule) lead to numerous inadvertent failures to satisfy the rollover requirements. The rules relating to net unrealized appreciation in employer securities create recordkeeping and basis-tracking problems for participants and the IRS and treat distributions of employer securities more favorably than other distributions from qualified plans.

Results similar to those under present law can be obtained without the complexity added by the special tax rules of present law. For example, liberalization of the rollover rules will increase the flexibility of taxpayers in determining the timing of the income inclusion of pension distributions and eliminate the need for special rules such as 5- and 10-year averaging and the special rules for unrealized appreciation on employer securities.

EXPLANATION OF PROVISIONS

In general

The bill expands the circumstances in which a distribution may be rolled over tax free and, in conjunction with such expansion, repeals 5- and 10-year averaging for lump-sum distributions from qualified plans, the special rules for unrealized appreciation in employer securities, and the $5,000 death benefit exclusion. The bill also simplifies the basis recovery rules applicable to distributions from qualified plans and requires that qualified plans give participants the option of having a distribution transferred directly to an IRA.

Rollovers

Under the bill, any portion of any distribution to the employee or the surviving spouse of the employee (other than a minimum required distribution (sec. 401(a)(9)) may be rolled over tax free to an IRA or another qualified plan or annuity, unless the distribution is part of a series of substantially equal payments made (1) over the life (or life expectancy) of the participant or the joint lives (or joint life expectancies) of the participant and his or her beneficiary, or (2) over a specified period of 5 years or more. The present-law prohibition on rolling over employee contributions is retained due to recordkeeping concerns.

Lump-sum distributions

The bill repeals the general 5-year forward averaging rule, as well as the transition rules under the Tax Reform Act of 1986 relating to 5- and 10-year averaging and capital gains treatment.

Net unrealized appreciation

The bill also repeals the exclusion from income of net unrealized appreciation of employer securities. Distributions of employer securities are taxed the same as other distributions.

Employer-provided death benefits

Under the bill, the exclusion from gross income of up to $5,000 in employer-provided death benefits is repealed.

Recovery of basis

Under the bill, the portion of an annuity distribution from a qualified retirement plan, qualified annuity, or tax-sheltered annuity that represents nontaxable return of basis generally is determined under a method similar to the present-law simplified alternative method provided by the Internal Revenue Service. Under the simplified method provided in the bill, the portion of each annuity payment that represents nontaxable return of basis generally is equal to the employee's total investment in the contract as of the annuity starting date, divided by the number of anticipated payments determined by reference to the age of the participant listed in the table set forth in the bill. The number of anticipated payments listed in the table is based on the employee's age on the annuity starting date. If the number of payments is fixed under the terms of the annuity, that number is to be used instead of the number of anticipated payments listed in the table.

The simplified method does not apply if the primary annuitant has attained age 75 on the annuity starting date unless there are fewer than 5 years of guaranteed payments

under the annuity. If in connection with commencement of annuity payments, the recipient receives a lump-sum payment that is not part of the annuity stream, such payment is taxable under the rules relating to annuities (sec. 72) as if received before the annuity starting date, and the investment in the contract used to calculate the simplified exclusion ratio for the annuity payments is reduced by the amount of the payment. As under present law, in no event will the total amount excluded from income as nontaxable return of basis be greater than the recipient's total investment in the contract.

Direct transfers to IRAs or other eligible transferee plans

Under the bill, a qualified retirement or annuity plan must permit participants to elect to have any distribution that is eligible for rollover treatment transferred directly to an eligible transferee plan specified by the participant. An eligible transferee plan is an IRA, a qualified retirement plan, or a qualified annuity plan (sec. 403(a)). Amounts transferred to an eligible transferee plan are includible in income when distributed from the transferee plan in accordance with the rules applicable to that plan.

Before making an eligible rollover distribution, the plan administrator is required to provide a written explanation to the participant of the direct transfer option. When making a distribution not in the form of a direct transfer, the administrator must provide a written explanation of the 60-day rollover limitation period.

EFFECTIVE DATE

The provisions are generally effective for years beginning after December 31, 1991.

The grandfather rules under the Tax Reform Act of 1986 and the present-law 5-year averaging provision apply to 50 percent of any lump-sum distribution received in taxable years beginning in 1992. The other 50 percent of such a distribution is subject to the rules of the bill regarding taxation of distributions and may, for example, be rolled over tax free under the rollover provisions of the bill. The repeal of the grandfather rules under the Tax Reform Act of 1986 applies to amounts distributed in a taxable year beginning after December 31, 1992.

The provision relating to trustee-to-trustee transfers is effective for years beginning after December 31, 1992.

B. Title II—Increased Access to Pension Plans:

1. Simplified salary reduction arrangements for small employers (sec. 201 of the bill and sec. 408(k)(6) of the Code)

PRESENT LAW

Under present law, certain employers (other than tax-exempt and governmental employers) can establish a simplified employee pension (SEP) for the benefit of their employees under which the employees can elect to have contributions made to the SEP or to receive the contributions in cash (sec. 408(k)(6)). If an employee elects to have contributions made on the employee's behalf to the SEP, the contribution is not treated as having been distributed or made available to the employee. In addition, the contribution is not treated as an employee contribution merely because the SEP provides the employee with such an election. Therefore, an employee is not required to include in income currently the amounts the employee elects to have contributed to the SEP. Elective deferrals under a SEP are to be treated in the same manner as elective deferrals under a qualified cash or deferred arrangement and, thus, are subject to the $8,475 (indexed) cap on elective deferrals.

The election to have amounts contributed to a SEP or received in cash is available only if at least 50 percent of the employees of the employer elect to have amounts contributed to the SEP. In addition, such election is available for a taxable year only if the employer maintaining the SEP had 25 or fewer eligible employees at all times during the prior taxable year.

Under present law, elective deferrals under SEPs are subject to nondiscrimination standards. The amount eligible to be deferred as a percentage of each highly compensated employee's compensation (i.e., the deferral percentage) is limited by the average deferral percentage (based solely on elective deferrals) for all nonhighly compensated employees who are eligible to participate. The deferral percentage for each highly compensated employee (taking into account only the first $222,220 (indexed) of compensation) cannot exceed 125 percent of the average deferral percentage for all other eligible employees. Nonelective SEP contributions may not be combined with the elective SEP deferrals for purposes of this test. An employer may not make any other SEP contributions conditioned on elective SEP deferrals. If the 125-percent test is not satisfied, rules similar to the rules applicable to excess contributions to a cash or deferred arrangement is to apply.

If any employee is eligible to make elective SEP deferrals, all employees satisfying the participation requirements must be eligible to make elective SEP deferrals. Employees satisfying the participation requirements are those employees who (1) have attained age 21, (2) have performed services for the employer during at least 3 of the immediately preceding 5 years, and (3) received at least $363 (indexed) in compensation from the employer for the year. An employee can participate even though he or she is also a participant in one or more other qualified retirement plans sponsored by the employer. However, SEP contributions are added to the employer's contribution to the other plans on the participant's behalf in applying the limits on contributions and benefits (sec. 415).

REASONS FOR CHANGE

Although generous, the tax incentives for pension plans under present law have not significantly improved pension coverage for employees of small businesses. One of the reasons small employers may fail to establish pension plans for employees is because of the administrative costs and burdens attributable to such plans.

While present-law SEPs already provide a low-cost retirement savings option to employers, it is believed that further simplification and broadening of the SEP rules will encourage more small employers to establish plans for their employees. In particular, it is believed that making salary deferral SEPs available to a larger number of employers and providing a design-based qualification test for such SEPs (in lieu of applying nondiscrimination standards) will encourage small employers to establish plans for their employees.

The exemption from nondiscrimination standards for small employer salary deferral SEPs is a departure from the rule that tax-favored retirement plans must be tested for prohibited discrimination in favor of highly compensated employees. In general, nondiscrimination rules are critical to both sound tax and retirement policy. However, because of the complexity of the present-law rules and the resulting burden they place on small employers, a targeted exception to the general rule is appropriate for small employers. In all other cases, nondiscrimination testing will continue to apply.

EXPLANATION OF PROVISIONS

The bill repeals the present-law rules applying to salary reduction arrangements under a SEP and replaces them with new rules that simplify the administration of such arrangements.

Under the bill, employers (including tax-exempt and State and local government employers) who do not maintain a qualified plan and who had no more than 100 employees eligible to participate in a SEP on each day of the preceding plan year can maintain a qualified salary reduction arrangement for their employees. The arrangement must satisfy the following requirements to be a qualified arrangement. First, the employer must contribute to each eligible employee's SEP an amount equal to 3 percent of the employee's compensation for the year (not in excess of $100,000 (indexed)). This percentage is increased to 5 percent if the employer or any predecessor employer maintained a qualified plan (other than a SEP) during either of the 2 years preceding the year in which the salary deferral SEP is established.

Second, each eligible employee must be permitted to make salary reduction contributions to the SEP of up to a maximum of $5,000 (indexed) per year.[1]

Third, the employer may make matching contributions to each employee's SEP equal to no more than 50 percent of the elective contributions made on behalf of the employee. The level of the employer's matching contribution may not increase as an employees elective contribution increases, and may not be greater for any highly compensated employee at any level of compensation than for any nonhighly compensated employee at that level.

If these conditions are satisfied, the arrangement is a qualified salary reduction arrangement that can be maintained under a SEP. The qualified arrangement is not subject to nondiscrimination testing requirements. In addition, it is intended that a qualified salary reduction arrangement will be deemed to satisfy the minimum benefit requirements of the top-heavy rules (sec. 416(c)(2)).

Under the bill, an employer maintaining a salary reduction SEP is required to provide a description of the SEP to eligible employees.

EFFECTIVE DATE

The provision is generally effective with respect to years beginning after December 31, 1991.

Under a transition rule, salary reduction SEPs established before the date of enactment are not subject to the new rules contained in the bill regarding qualified salary reduction arrangements unless the employer elects to have the new rules apply for any year and all subsequent years. Employers who do not make such an election are subject to the rules in effect for years beginning before January 1, 1992.

2. Repeal of limitation on ability of State and local governments and tax-exempt employers to maintain cash or deferred arrangements (sec. 202 of the bill and secs. 401(k) and 408(k)(6) of the Code).

PRESENT LAW

Under present law, if a tax qualified profit-sharing or stock bonus plan meets certain requirements, then an employee is not re-

[1] Of course, the employer may limit contributions to the extent necessary to ensure compliance with the limits on contributions and benefits (sec. 415).

quired to include in income any employer contributions to the plan merely because the employee could have elected to receive the amount contributed in cash (sec. 401(k)). Plans containing thie feature are referred to as cash or deferred arrangements. State and local governments and tax-exempt organizations are generally prohibited from establishing qualified cash or deferred arrangements. Because of this limitation, many of such employers are precluded from maintaining broad-based, funded elective deferral arrangements for their employees.

REASONS FOR CHANGE

State and local governments and tax-exempt entities should be permitted to maintain cash or deferred arrangements for their employees on the same basis as other employers.

EXPLANATION OF PROVISION

The bill allows State and local governments and tax-exempt organizations to maintain cash or deferred arrangements. As under present law, the limitation on the amount that may be deferred by an individual participating in both a cash or deferred arrangement and another elective deferral arrangement applies.

EFFECTIVE DATE

The provision applies to tax-exempt organizations with respect to plans established after December 31, 1991, and to governmental employers with respect to plans established after December 31, 1994.

3. Duties of master and prototype plan sponsors (sec. 203 of the bill)

PRESENT LAW

The Internal Revenue Service (IRS) master and prototype program is an administrative program under which trade and professional associations banks, insurance companies, brokerage houses, and other financial institutions can obtain IRS approval of model retirement plan language and then make these preapproved plans available for adoption by their customers, investors, or association members. Rules regarding who can sponsor master and prototype programs, the prescribed format of the model plans, and other matters relating to the program are contained in revenue procedures and other administrative pronouncements of the IRS.

The IRS also maintains related administrative programs that authorize advance approval of model plans prepared by law firms and others, i.e., the regional prototype plan program and volume submitter program.

REASONS FOR CHANGE

As the laws relating to retirement plans have become more complex, employers have experienced an increase in the frequency and cost of amending plans and of the burdens of administering the plans. Master and prototype plans reduce these costs and burdens, particularly for small- to medium-sized employers, and improve IRS administration of the retirement plan rules. Today, the majority of employer-provided qualified retirement plans, including qualified cash or deferred arrangements (sec. 401(k) plans), simplified employee pensions (SEPs) and individual retirement arrangements (IRAs) are approved master and prototype plans. The Treasury and the IRS believe that the further expansion of the master and prototype program is desirable, but that statutory authority authorizing the IRS to specifically define the duties of master and prototype sponsors should be obtained before the program becomes more widley utilized.

EXPLANATION OF PROVISION

The bill authorizes the IRS to define the duties of organizations that sponsor master and prototype regional prototype, and other preapproved plans, including mass submitters. These duties would become a condition of sponsoring preapproved plans. The bill is not intended to be interpreted as diminishing the IRS's administrative authority with respect to the master and prototype, regional prototype, or similar programs, including the authority to define who is eligible to sponsor prototype plans, or to create other rules relating to these programs. Rather, it is intended to create a system of sponsor accountability, subject to IRS monitoring, that will give adopters of master and prototype and other preapproved plans a level of protection, comparable to that in the regional prototype plan program, against failure by master and prototype and other plan sponsors to fulfill certain obligations.

The bill thus authorizes the IRS to prescribe duties of sponsors of prototype and other preapproved plans that include, but are not limited to, maintaining annually current lists of adopting employers and providing certain annual notices to adopting employers and to the IRS. While reflecting the IRS's own requirements in its regional prototype plan procedure, the bill does not require the IRS to mandate a master and prototype accountability system that is identical to the regional prototype plan procedure. The bill also authorizes the IRS to prescribe such other reasonable duties that are consistent with the objective of protecting adopting employers from a sponsor's failure to amend a plan in a timely manner or to communicate amendments or other notices required by the IRS's procedures.

The bill authorizes the IRS to define the duties of preapproved plan sponsors that relate to providing administrative services to the plans of adopting employers. This is not intended to obligate sponsors to undertaken the complete day-to-day administration of the plans they sponsor (although it does not preclude the IRS from mandating the performance of specific functions), but to protect employers against loss of qualification merely because of ignorance of the possible need to arrange for such services or the unavailability of professional assistance from parties familiar with the sponsor's plan.

It is thus intended that, at a minimum, sponsors should (1) advise adopting employers that failure to arrange for administrative services to the plan may significantly increase the risk of disqualification and resulting sanctions, and (2) furnish employers with the name of firms that are familiar with the plan and can provide professional administrative service. Of course, this would not preclude the sponsor from providing that service itself.

The bill should not be construed as creating fiduciary relationships or responsibilites under Title I of ERISA that would not exist in the absence of the provision.

To the exent he deems reasonably necessary to carry out the purposes of this provision of the bill, the Secretary is authorized to issue regulations that permit the relaxation of the anti-cutback rules contained in ERISA (Sec. 204(g)) and the Code (sec. 411(d)(6)) when employers replace an individually designed plan with an IRS mode plan, provided that the rights of participants to accured benefits under the individually designed plan are not significantly impaired. This will facilitate the shift by employers from individually designed plans to IRS model plans.

C. TITLE III—MISCELLANEOUS SIMPLIFICATION

1. Definition of leased employee (sec. 301 of the bill and sec. 414(n) of the Code)

PRESENT LAW

An indivdual (a leased employee) who performs services for another person (the recipient) may be required to be treated as the recipient's employee for various employee benefit provisions if the services are performed pursuant to an agreement between the recipient and a third person (the leasing organization) who is otherwise treated as the individual's employer (sec. 414(n)). The individual is to be treated as the recipient's employee only if the individual has performed serivces for the recipient on a substnatially full-time basis (i.e., at least 1500 hours under regulations) for a year, and the services are of a type historically performed by employees in the recipient's business field.

An indvidual who otherwise would be treated as a recipient's leased employee will not be treated as such an employee if the individual participates in a safe harbor plan maintained by the leasing organization meeting certain requirements. Each leased employee is to be treated as an employee of the recipient, regardless of the existence of a safe-harbor plan, if more than 20 percent of an employer's nonhighly compensated workforce are leased.

REASONS FOR CHANGE

The leased employee rules are complex and have unexpected and sometimes indefensible results, especially as interpreted under regulations proposed by the Secretary. For example, under the "historically performed" standard, the employees and partners of a law firm may be the leased employees of a client of the firm if they work a sufficient number of hours for the client and if it is not unusual for employers in that business field to have in-house counsel. While arguably meeting the present-law leased employee definition, situations such as this are outside the originally intended scope of the rules.

EXPLANATION OF PROVISION

Under the bill, the present-law "historically performed" test is replaced with a new rule defining who must be considered a leased employee. Under the bill, an individual is not considered a leased employee unless the services are performed under any significant direction or control by the Service recipient. As under present law, the determination of whether someone is a leased employee is made after determining whether the individual is a common-law employee of the service recipient. Thus, an individual who is not a common-law employee of the service recipient may nevertheless be a leased employee of the service recipient. Similarly, the fact that a person is or is not found to perform service under the significant direction or control of the recipient for purposes of the employee leasing rules is not relevant in determining whether the person is or is not a common-law employee of the recipient.

Whether a service recipient has significant direction or control over the services performed by an individual depends on the facts and circumstances. Factors that are relevant in determining whether significant direction or control exists include whether the individual is required to comply with instructions of the service recipient about when, where, and how he or she is to work, whether the services must be performed by a particular person, whether the individual is subject to the supervision of the service recipient, and whether the individual must perform services in the order or sequence set by the service recipient. Factors that would generally not be relevant in determining whether such direction or control exists include whether

the service recipient has the right to hire or fire the individual, whether the individual works for others, and whether the individual has a significant investment in facilities or equipment used by the individual in performing the services.

For example, an individual who works under the direct supervision of the service recipient would be considered to be subject to the significant direction or control of the service recipient even if another company hired and trained the individual, had the ultimate (but unexercised) legal right to control the individual, paid his wages, withheld his employment and income taxes, and had exclusive right to fire him.

On the other hand, an individual who is a common-law employee of Company A who performs services for Company B on the business premises of the Company B under the supervision of Company A would generally not be considered to be under the direction or control of Company B. The supervision by Company A must be more than nominal, however, and not merely a mechanism to avoid the literal language of the direction or control test.

Under the direction or control test, clerical and similar support staff (e.g., secretaries and nurses) generally would be considered to be subject to the direction or control of the service recipient and would be leased employees provided the other requirements of section 414(n) are met.

In many cases, the present-law "historically performed" test is overbroad, and results in the unintended treatment of individuals as leased employees. One of the principal purposes for adopting the significant direction or control test is to relieve the unnecessary hardship and uncertainty created for employers in these circumstances. However, it is not intended that the direction or control test enable employers to engage in abusive practices. Thus, it is intended that the Secretary interpret and apply the leased employee rules in a manner so as to prevent abuses. This ability to prevent abuses under the leasing rules is in addition to the present-law authority of the Secretary under section 414(o). For example, one potentially abusive situation exists where the benefit arrangements of the service recipient overwhelmingly favor its highly compensated employees, the employer has no or very few nonhighly compensated common-law employees, yet the employer makes substantial use of the services of nonhighly compensated individuals who are not its common-law employees.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 1991. In applying the leased employee rules to years beginning before such date, it is intended that the Secretary use a reasonable interpretation of the statute to apply the leasing rules to prevent abuse. The changes to the leasing rules are not intended to affect grandfather rules granted under prior legislation.

2. Nondiscrimination rules relating to qualified cash or deferred arrangements, matching contributions, and after-tax employee contributions, (sec. 302 of the bill and secs. 401 (k) and (m) of the Code)

PRESENT LAW

Nondiscrimination rules relating to qualified cash or deferred arrangements

In General

A profit-sharing or stock bonus plan, a pre-ERISA money purchase pension plan, or a rural cooperative plan may include a qualified cash or deferred arrangement (sec. 401(k)). Under such an arrangement, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals. The maximum annual amount of elective deferrals that can be made by an individual is $8,475 for 1991. This dollar limit is indexed annually for inflation. A special nondiscrimination test applies to cash or deferred arrangements.

The special nondiscrimination test applicable to elective deferrals under qualified cash or deferred arrangements is satisfied if the actual deferral percentage (ADP) for eligible highly compensated employees for a plan year is equal to or less than either (1) 125 percent of the ADP of all nonhighly compensated employees eligible to defer under the arrangement, or (2) the lesser of 200 percent of the ADP of all eligible nonhighly compensated employees or such ADP plus 2 percentage points. The ADP for a group of employees is the average of the ratios (calculated separately for each employee in the group) of the contributions paid to the plan on behalf of the employee to the employee's compensation.

Excess Contributions

If the special nondiscrimination rules are not satisfied for any year, the qualified cash or deferred arrangement will not be disqualified if the excess contributions (plus income allocable to the excess contributions) are distributed before the close of the following plan year. In addition, under Treasury regulations, instead of receiving an acutal distribution of excess contributions, an employee may elect to have the excess contributions treated as an amount distributed to the employee and then contributed by the employee to the plan on an after-tax basis.

Excess contributions mean, with respect to any plan year, the excess of the aggregate amount of elective deferrals paid to the cash or deferred arrangement and allocated to the accounts of highly compensated employees over the maximum amount of elective deferrals that could be allocated to the accounts of highly compensated employees without violating the nondiscrimination requirements applicable to the arrangement. To determine the amount of excess contributions and the employees to whom the excess contributions are to be distributed, the elective deferrals of highly compensated employees are reduced in the order of their actual deferral percentages beginning with those highly compensated employees with the highest deferral percentage.

Excise Tax on Excess Contributions

An excise tax is imposed on the employer making excess contributions to a qualified cash or deferred arrangement (sec. 4979). The tax is equal to 10 percent of the excess contributions (but not earnings on those contributions) under the arrangement for the plan year ending in the taxable year. However, the tax does not apply to any excess contributions that, together with income allocable to the excess contributions, are distributed or, in accordance with Treasury regulations, recharacterized as after-tax employee contributions no later than 2½ months after the close of the plan year to which the excess contributions relate.

Excess contributions (plus income) distributed or recharacterized within the applicable 2½ month period generally are to be treated as received and earned by the employee in the employee's taxable year in which the excess contributions would have been received as cash, but for the employee's deferral election. For purposes of determining the employee's taxable year in which the excess contributions are includible in income, the excess contributions are treated as the first contributions made for a plan year. Of course, distributions of excess contributions (plus income) within the applicable 2½ month period are not taxed a second time in the year of distribution.

Nondiscrimination rules relating to employer matching contributions and after-tax employee contributions

In General

A special nondiscrimination test is applied to employer matching contributions and after-tax employee contributions under qualified defined contribution plans (sec. 401(m)) that is similar to the special nondiscrimination test applicable to qualified cash or deferred arrangements.[2] The term "employer matching contributions" means any employer contribution made on account of (1) an employee contribution or (2) an elective deferral under a qualified cash or deferred arrangement.

The special nondiscrimination test is satisfied for a plan year if the contribution percentage for eligible highly compensated employees does not exceed the greater of (1) 125 percent of the contribution percentage of all other eligible employees, or (2) the lesser of 200 percent of the contribution percentage for all other eligible employees, or such percentage plus 2 percentage points. The contribution percentage for a group of employees for a plan year is the average of the ratios (calculated separately for each employee in the group) of the sum of matching and employee contributions on behalf of each such employee to the employee's compensation for the year.

Under Treasury regulations, multiple use of the second (or "alternative") limitation cannot be used to satisfy both the special nondiscrimination test in section 401(k) and the special nondiscrimination test in section 401(m) in the case of a plan that includes both a qualified cash or deferred arrangement and matching contributions.

TREATMENT OF EXCESS AGGREGATE CONTRIBUTIONS

As under the rules relating to qualified cash or deferred arrangements, if the special nondiscrimination test is not satisfied for any year, the plan will not be disqualified if the excess aggregate contributions (plus income allocable to such excess aggregate contributions) are distributed before the close of the following plan year. Generally, the amount of excess aggregate contributions and their allocation to highly compensated employees is determined in the same manner as with respect to excess deferrals.

EXCISE TAX ON EXCESS AGGREGATE CONTRIBUTIONS

An excise tax is imposed on the employer with respect to excess aggregate contributions (sec. 4979). The tax is equal to 10 percent of the excess aggregate contributions (but not earnings on those contributions) under the plan for the plan year ending in the taxable year for which the contributions are made.

However, the tax does not apply to any excess aggregate contributions that, together with income allocable to the excess aggregate contributions, are distributed (or, if nonvested, forfeited) no later than 2½ months after the close of the plan year in

[2]These rules also apply to certain employee contributions to a defined benefit pension plan.

which the excess aggregate contributions arose.

REASONS FOR CHANGE

The sources of complexity generally associated with the special nondiscrimination test for qualified cash or deferred arrangements are the recordkeeping necessary to monitor employee elections, the calculations involved in applying the test, and the correction mechanism, i.e., what to do if the plan fails the test. The correction mechanism can create problems because the employer often will not know until the end of the year whether or not the test has been satisfied. The need to make corrections at the end of the year can create confusion on the part of employees who receive a return of their excess contributions. Although perhaps more a question of fairness rather than complexity, it has also been pointed out that the way in which excess contributions of highly compensated employees are reduced under present law may reduce the contributions of the lower-paid highly compensated employees more than the contributions of higher-paid highly compensated employees.

The sources of complexity commonly associated with the special nondiscrimination test for matching and employee contributions are generally the same as those associated with the ADP tests for elective contributions to a cash or deferred arrangement. In a plan that includes both a cash or deferred arrangement and matching contributions, the prohibition on multiple use of the alternative limitation adds to the complexity.

The special nondiscrimination tests are designed to ensure that the tax benefits for qualified plans are not accruing only to highly compensated employees and that rank-and-file employees actually benefit under the plan. These concerns are particularly acute in the case of elective retirement arrangements. The special nondiscrimination tests for qualified cash or deferred arrangements, matching contributions, and after-tax employee contributions can be modified to reduce complexity without undermining the purposes of the tests.

EXPLANATION OF PROVISION

Nondiscrimination rules relating to qualified cash or deferred arrangements

The bill replaces the present-law two-prong ADP test applicable to qualified cash or deferred arrangements with an single test that is applied at the beginning of the plan year. The bill reduces the complexities associated with present law by (1) reducing the number of calculations that must be performed in order to determine if the test is satisfied, and (2) reducing the need for correction mechanisms by modifying the test so that the maximum possible deferrals by highly compensated employees is known at the beginning of the plan year. In addition, under the bill, the present-law method for reducing excess deferrals and the restriction on multiple use of the alternative limitations are repealed. They are not necessary under the nondiscrimination tests as modified by the bill.

Under the bill, the maximum amount each eligible highly compensated employee can defer is 200 percent of the average deferral percentage of nonhighly compensated employees for the preceding plan year.[3] The average deferral percentage of nonhighly compensated employees is determined the same way as the ADP for such employees under present law. For example, if the average deferral percentage for eligible nonhighly compensated employees is 4 percent, then, under the bill, each eligible highly compensated employee could elect to defer 8 percent of compensation (subject to the dollar limitation on elective deferrals).

In the case of the first plan year of a qualified cash or deferred arrangement, the average deferral percentage for nonhighly compensated employees for the previous year is deemed to be 3 percent or, at the election of the employer, the average deferral percentage for that plan year.

The bill also modifies the permissible correction mechanisms by eliminating the recharacterization method. The number of permissible correction mechanisms increases complexity under present law. In addition, under the bill, correction will be necessary infrequently compared to present law, so that a variety of correction mechanisms is unnecessary.

Nondiscrimination rules relating to employer matching and after-tax employee contributions

The bill conforms the special nondiscrimination test for employer matching and after-tax employee contributions to the rules under the bill regarding qualified cash or deferred arrangements. Thus, under the bill, a plan meets the special nondiscrimination test if the actual contribution percentage of each eligible highly compensated employee for such plan year does not exceed 200 percent of the average contribution percentage of nonhighly compensated employees for the preceding plan year. The actual contribution percentage for an employee is the percentage which the sum of matching contributions and after-tax employee contributions contributed under the plan on behalf of such employee is of such employee's compensation. The average contribution percentage for nonhighly compensated employees for a year is the average of the actual contribution percentages of eligible nonhighly compensated employees for that year.

EFFECTIVE DATE

The provision is effective for plan years beginning after December 31, 1991.

3. Definition of highly compensated employee, cost-of-living adjustments, half-year requirements, and plans covering self-employed individuals (secs. 303–306 of the bill and secs. 72, 219, 401, 403, 408, 411, 414(q), and 415(d) of the Code)

PRESENT LAW

Definition of highly compensated employee

In General

For purposes of the rules applying to qualified retirement plans under the Code, an employee, including a self-employed individual, is treated as highly compensated with respect to a year if, at any time during the year or the preceding year, the employee: (1) was a 5-percent owner of the employer; (2) received more than $90,803 in annual compensation from the employer; (3) received more than $60,535 in annual compensation from the employer and was one of the top-paid 20 percent of employees during the same year; or (4) was an officer of the employer who received compensation greater than $54,482. These dollar amounts are adjusted annually for inflation at the same time and in the same manner as the adjustments to the dollar limit on benefits under a defined benefit pension plan (sec. 415(d)). If, for any year, no officer has compensation in excess of $54,482 (indexed), then the highest paid officer of the employer for such year is treated as a highly compensated employee.

An employee is not treated as in the top-paid 20 percent, as an officer, or as receiving $90,803 or $60,535 solely because of the employee's status during the current year, unless such employee also is among the 100 employees who have received the highest compensation during the year.

Election To Use Simplified Method

Employers are permitted to elect to determine their highly compensated employees under a simplified method. Under this method, an electing employer may treat employees who received more than $60,535 in annual compensation from the employer as highly compensated employees in lieu of applying the $90,803 threshold and without regard to whether such employees are in the top-paid group of the employer. This election is available only if at all times during the year the employer maintained business activities and employees in at least 2 geographically separate areas.

Treatment of Family Members

A special rule applies with respect to the treatment of family members of certain highly compensated employees. Under the special rule, if an employee is a family member of either a 5-percent owner or 1 of the top 10 highly compensated employees by compensation, then any compensation paid to such family member and any contribution or benefit under the plan on behalf of such family member is aggregated with the compensation paid and contributions or benefits on behalf of the 5-percent owner or the highly compensated employee in the top 10 employees by compensation. Therefore, such family member and employee are treated as a single highly compensated employee. An individual is considered a family member if, with respect to an employee, the individual is a spouse, lineal ascendant or descendant, or spouse of a lineal ascendant or descendant of the employee.

Similar family aggregation rules apply in applying the $222,220 limit on compensation that may be taken into account under a qualified plan (sec. 401(a)(17)) and for deduction purposes (sec. 404(1)). However, under such provisions, only the spouse of the employee and lineal descendants of the employee who have not attained age 19 are taken into account.

Cost-of-living adjustments

The rules relating to qualified plans contain a number of dollar limits that are indexed annually for cost-of-living adjustments (e.g., the dollar limit on benefits under a defined benefit plan (sec. 415(b)), the limit on elective deferrals under a qualified cash or deferred arrangement (sec. 402(g)), and the dollar amounts used in determining highly compensated employees (sec. 414(q)). The Secretary publishes annually a list of the amounts applicable under each provision for the year. Due to the timing of the cost-of-living adjustments, the dollar amounts for each year are not known until after the start of the calendar year.

Half-year requirements

Under present law, a number of employee plan rules refer to the age of an individual at a certain time. For example, distributions under a qualified pension plan are generally required to begin no later than the April 1 following the year in which an individual attains age 70½ (sec. 401(a)(9)). Similarly, an additional income tax on early withdrawals applies to certain distributions from qualified pension plans and IRAs prior to the time the participant or IRA owner attains age 59½ (sec. 72(t)).

[3] This test is similar to the special nondiscrimination test applicable to salary reduction simplified employee pensions (SEPs) under present law.

Plans covering self-employed individuals

Prior to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) different rules applied to retirement plans maintained by incorporated employers and unincorporated employers (such as partnerships and sole proprietors). In general, plans maintained by unincorporated employers were subject to special rules in addition to the other qualification requirements of the Code. Most, but not all, of this disparity was eliminated by TEFRA. Under present law, certain special aggregation rules apply to plans maintained by owner-employees that do not apply to other qualified plans (sec. 401(d) (1) and (2)).

REASONS FOR CHANGE

Under present law, the administrative burden on employers to comply with some of the basic rules applying to qualified retirement plans outweighs the small potential benefit of the rules. For example, the various categories of highly compensated employees require employers to perform a number of complex calculations that for many employers have largely duplicative results. Similarly, rules triggered by the attainment of fractional ages are difficult to remember and apply but of insignificant benefit to plan participants.

Under present law, adjusted dollar limits are generally not published until after the beginning of the calendar year to which the limits apply. This creates uncertainty for plan sponsors and participants who must make decisions under the plan that may be affected by the limits.

The remaining special rules for plans maintained by unincorporated employers are unnecessary and should be eliminated. Applying the same set of rules to all types of plans would make the qualification standards easier to apply and administer.

EXPLANATION OF PROVISIONS

Definition of highly compensated employee

The bill replaces the present law test for determining who is a highly compensated employee with a simplified test. The bill provides that an employee is highly compensated for a year if the employee (1) was a 5-percent owner of the employer during the year or the preceding year, (2) received compensation in excess of $65,000 during the preceding year, or (3) received compensation in excess of $65,000 during the year and was one of the top 100 most highly compensated employees of the employer for the year. As under present law, the $65,000 threshold is adjusted for cost-of-living increases in the same manner as the limitations on contributions and benefits (sec. 415(d)), except that the base period taken into account is the calendar quarter beginning October 1, 1990.

Under the bill, if no employee is treated as being highly compensated under the rules described above, then the employee with the highest compensation for the year is treated as a highly compensated employee. The bill applies the present-law family member aggregation rule only in the case of family members of a 5-percent owner, and conforms the aggregation rule to the other family aggregation rules by taking into account only the spouse of the employee and lineal descendants of the employee who are under age 19.

Cost-of-living adjustments

The bill provides that the cost-of-living adjustment with respect to any calendar year is based on the increase in the applicable index as of the close of the calendar quarter ending September 30 of the preceding calendar year. Thus, adjusted dollar limits will be published before the beginning of the calendar year to which they apply.

In addition, the bill provides that the dollar limits determined after application of the cost-of-living adjustments are generally rounded to the nearest $1,000. Dollar limits relating to elective deferrals and elective contributions to simplified employee pensions (SEPs) are rounded to the nearest $100.

Elimination of half-year requirements

The bill changes the half-year requirements to birth date requirements. Those rules under present law that refer to age 59½ are changed to refer to age 59, and those that refer to age 70½ are changed to refer to age 70.

Plans covering self-employed individuals

The bill eliminates the special aggregation rules that apply to plans maintained by self-employed individuals that do not apply to other qualified plans.

EFFECTIVE DATES

The provisions are effective for years beginning after December 31, 1991.

4. Modification of full funding limitation (sec. 307 of the bill and sec. 412 of the Code).

PRESENT LAW

Under present law, subject to certain limitations, an employer may make deductible contributions to a defined benefit pension plan up to the full funding limitation. The full funding limitation is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 150 percent of the plan's current liability, over (2) the lesser of (a) the fair market value of the plan's assets, or (b) the actuarial value of the plan's assets (sec. 412(c)(7)).

The Secretary may, under regulations, adjust the 150-percent figure contained in the full funding limitation to take into account the average age (and length of service, if appropriate) of the participants in the plan (weighted by the value of their benefits under the plan). In addition, the Secretary is authorized to prescribe regulations that apply, in lieu of the 150 percent of current liability limitation, a different full funding limitation based on factors other than current liability. The Secretary may exercise this authority only in a manner so that in the aggregate, the effect on Federal budget receipts is substantially identical to the effect of the 150-percent full funding limitation.

REASONS FOR CHANGE

The Secretary has not yet exercised his authority with respect to the full funding limitation. It is appropriate to specify a revenue-neutral way of exercising such authority.

EXPLANATION OF PROVISION

The bill allows certain employers to elect to apply the present-law full funding limitation without regard to the 150 percent of current liability limitation. The Secretary is required under the provision to adjust the full funding limitation in a specified manner for all plans (other than those subject to such an election) in response to employer elections under the proposal so that the provision is revenue neutral.

EFFECTIVE DATE

The provision is effective on the date of enactment.

5. Distributions from qualified cash or deferred arrangements maintained by rural cooperatives (sec. 308 of the bill and sec. 401(k) of the Code).

PRESENT LAW

Under present law, a qualified cash or deferred arrangement can permit withdrawals by participants only after the earlier of (1) the participant's separation from service, death, or disability, (2) termination of the arrangement, (3) in the case of a profit-sharing or stock bonus plan, the attainment of age 59½, or (4) in the case of a profit-sharing or stock bonus plan to which section 402(a)(8) applies, upon hardship of the participant (sec. 401(k)(2)(B)). In the case of a rural cooperative qualified cash or deferred arrangement, which is part of a money purchase pension plan, withdrawals by participants cannot occur upon attainment of age 59½ or upon hardship.

REASONS FOR CHANGE

It is appropriate to permit qualified cash or deferred arrangements of rural cooperatives to permit distributions to plan participants under the same circumstances as other qualified cash or deferred arrangements. Rural cooperatives could achieve the same results by modifying the structure of their plans. There is no justifiable reason to require rural cooperatives to incur the administrative costs of plan conversion when the same result can be achieved without imposing such costs.

EXPLANATION OF PROVISION

The bill provides that a rural cooperative plan that includes a qualified cash or deferred arrangement will not be treated as violating the qualification requirements merely because the plan permits distributions to plan participants after the attainment of age 59.

EFFECTIVE DATE

The provision is effective for distributions after the date of enactment.

6. Treatment of nonunion airline pilots for coverage purposes (sec. 309 of the bill and sec. 410(b) of the Code)

PRESENT LAW

Under present law, for purposes of determining whether a qualified pension plan satisfies the minimum coverage requirements, in the case of trust established pursuant to a collective bargaining agreement between airline pilots and one or more employers, all employees not covered by the collective bargaining agreement are disregarded (sec. 410(b)(3)(B)). This provision applies only in the case of a plan that provides contributions or benefits for employees whose principal duties are not customarily performed aboard aircraft in flight. Thus, a collectively bargained plan covering only airline pilots is tested separately for purposes of the minimum coverage requirements.

REASONS FOR CHANGE

Present law treats airline pilots covered by a collective bargaining agreement separately for purposes of testing whether a pension plan satisfies the minimum coverage requirements, but requires nonunion airline pilots to be considered with an employer's other employees for coverage purposes. This disparity of treatment can adversely affect the decision of airline pilots to unionize.

In addition, present law may prevent employers who provide pension benefits to nonunion airline pilots from providing benefits to such pilots that are comparable to the benefits provided to airline pilots covered under a collective bargaining agreement. Thus, present law may make it more difficult for employers employing nonunion airline pilots to compete for qualified pilots.

EXPLANATION OF PROVISION

The bill provides that, in the case of a plan established by one or more employers to provide contributions or benefits for air pilots

employed by one or more common carriers engaged in interstate or foreign commerce or air pilots employed by carriers transporting mail for or under contract with the United States government, all employees who are not air pilots are excluded from consideration in testing whether the plan satisfies the minimum coverage requirements. In addition, the bill provides that this exception does not apply in the case of a plan that provides contributions or benefits for employees who are not air pilots or for air pilots whose principal duties are not customarily performed aboard aircraft in flight.

EFFECTIVE DATE

The provision is effective for years beginning after December 31, 1991.

7. Vesting rules for multiemployer plans (sec. 310 of the bill and sec. 411 of the Code)

PRESENT LAW

Under present law, except in the case of multiemployer plans, a plan is not a qualified plan unless a participant's employer-provided benefit vests at least as rapidly as under 1 of 2 alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of the participant's accrued benefit derived from employer contributions upon the particpant's completion of 5 years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to at least 20 percent of the participant's accrued benefit derived from employer contributions after 3 years of service, 40 percent at the end of 4 years of service, 60 percent at the end of 5 years of service, 80 percent at the end of 6 years of service, and 100 percent at the end of 7 years of service.

In the case of multiemployer plan, a participant's accrued benefit derived from employer contributions is required to be 100 percent vested no later than upon the participant's completion of 10 years of service. This special rule applies only to employees covered by the plan pursuant to a collective bargaining agreement.

These same vesting rules also apply under title I of the Employee Retirement Income Security Act of 1974 (ERISA).

REASONS FOR CHANGE

The present-law vesting rules for multiemployer plans add to complexity because there are different vesting schedules for different types of plans, and different vesting schedules for persons within the same multiemployer plan. In addition, the present-law rule prevents some workers from earning a pension under a multiemployer plan. Conforming the multiemployer plan rules to the rules for other plans would mean that workers could earn additional benefits.

EXPLANATION OF PROVISION

The bill conforms the vesting rules for multiemployer plans to the rules applicable to other qualified plans.

EFFECTIVE DATE

The provision is effective for plan years beginning on or after the earlier of (1) the later of January 1, 1992, or the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates, or (2) January 1, 1994, with respect to participants with an hour of service after the effective date.

8. Definitions of retirement age (sec. 311 of the bill and secs. 401(a)(14) and 411 of the Code)

PRESENT LAW

A qualified plan is required to provide that, unless the participant elects otherwise, the payment of benefits under the plan is to begin no later than the 60th day after the latest of the close of the plan year in which (1) the participant attains the earlier of age 65 or the normal retirement age specified under the plan, (2) occurs the 10th anniversary of the year in which the participant commenced participation in the plan, or (3) the participant terminates service (sec. 401(a)(14)). Under the Code and title I of ERISA, for purposes of the rules relating to vesting and accrual of benefits, normal retirement age means the earlier of (1) the time a participant attains normal retirement age under the plan, or (2) the later of the time a participant attains age 65 or the 5th anniversary of the time a plan participant commenced participation in the plan.

For purposes of the limits on contributions and benefits (sec. 415) the retirement age under social seurity (with certain modifications) is generally used as normal retirement age.

REASONS FOR CHANGE

Some employers would like to use social security retirement age as the normal retirement age under their qualified plan. The present-law definitions of normal retirement age may prevent them from doing so. Allowing employers to use social security retirement age would simplify plan administration, and would also conform the definition to the rule in effect for purposes of the limits on contributions and benefits.

EXPLANATION OF PROVISION

The bill amends the definitions of normal retirement age by replacing age 65 with the social security retirement age (as determined under sec. 415(b)(8)).

EFFECTIVE DATE

The provision is effective for years beginning after December 31, 1991.

A CALL TO LIFT ECONOMIC SANCTIONS AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ], is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced a resolution, House Resolution 180, that expresses a sense of the House that the economic embargo of Iraq should be lifted.

Hundreds of thousands of young children are dying, and we are doing nothing. Hundreds of thousands have died. They have not been reported, but if I could show some of the films that were taken by the cameras during the action, it would show our helicopter cannons shooting, cutting in half fleeing Iraqi soldiers. Over 100,000 of those died, most of them while they were running away.

It is still not precisely known how many civilians, but the estimates that have reached us from European sources indicate that there were approximately that many. So the war is supposed to be over, and yet we have thousands of our soldiers there. At this point hundreds of thousands of young children are dying. The United Nations, the International Red Cross, the Physicians for Human Rights, a Harvard study team, and Catholic Relief Services have all documented the fact that unless the economic sanctions imposed against Iraq are lifted immediately, tens of thousands, if not hundreds of thousands of Iraqi civilians will die in the next few months.

Is this our great military success? Is this what we sent hundreds of thousands of our troops halfway around the world to accomplish? Is the death of 60,000 Iraqi children under age 5 since the supposed end of the war a tremendous victory?

The most cynical part of this tragedy is that it is going on right now, and the U.S. Government is doing nothing about it, not even acknowledging that it happened, which has been censorship at its worst except that finally today, on the front page of the New York Times we have this story.

Mr. Speaker, I include that article for the RECORD at this point.

The article, dated June 24, 1991, referred as follows:

DISEASE SPIRALS IN IRAQ AS EMBARGO TAKES ITS TOLL

(By Patrick E. Tyler)

BAGHDAD, IRAQ, June 23—The 11-month-old international embargo on trade with Iraq is threatening the country with severe malnutrition and spiraling disease, American and other Western doctors inspecting hospitals this month say.

Some senior officials of relief agencies here have begun to criticize the prolonged trade sanctions because of their devastating effect on the general population and the burden they place on humanitarian organizations.

Thousands of Kurdish refugees returning to their homes from Iranian and Turkish border areas have found an economy besieged by accelerating inflation because of the embargo. Many of those Kurds are wearily bringing their malnourished and sick children to hospitals, saying they cannot afford the black-market prices for infant formula and high-protein foods.

THOUSANDS WITHOUT ELECTRICITY

In southern Iraq, where the forces of President Saddam Hussein crushed a Shiite Muslim rebellion at the end of the Persian Gulf war, ten of thousands of people are still without running water or electricity. Stagnant ponds of sewage and heaps of garbage are a common sight in their neighborhoods, and the surge in prices has made their plight even more desperate.

It is not clear whether an end to sanctions, including a decision to let Baghdad generate oil revenue, would immediately or dramatically improve the lot of ordinary Iraqis, given uncertainties like inflation and the Government's spending priorities.

But recent investigations suggest that trade sanctions are hurting the Iraqi people far more than is perceived in Washington, where President Bush has sought to maintain the embargo to force Mr. Hussein from power.

An examination of the public health system of Iraq, including visits by this reporter and a New York physician, Joseph Thomas, to 15 major hospitals across the country over the last week, indicated that an earlier epidemic of cholera is now under control.

But other infectious diseases, including typhoid, hepatitis, meningitis and gastroenteritis, have surged to what Western doctors and relief officials call epidemic levels. The

course of those diseases in a population struggling to recover from a devastating war is complicated by the Iraqis' generally poor health and nutrition, experts say.

The Government-subsidized rations of flour, rice and sugar that had previously sustained many Iraqis have been drastically cut back, and open-market prices for food have leaped more than tenfold. The only Iraqis spared from deprivation appear to be the country's political leadership and the wealthiest members of the merchant and professional class, who are drawing down their savings.

Although the United Nations lifted its embargo on humanitarian shipments of food to Iraq on March 22, Iraqi officials say that the embargo on foreign financial transactions, the freezing of assets and the ban on Iraqi sales of crude oil have made it extremely hard to import all but a small amount of food and special medicine. Oil is Iraq's principal source of income.

RETURNING REFUGEES ARE SUFFERING ANEW

Last month, a Harvard University medical team surveyed Iraqi hospitals and concluded that the mortality rate of Iraqi children under 5 years old could double this year because of disease compounded by malnutrition.

In March, more than two million Kurdish and Shiite refugees fled after their unsuccessful rebellions in the north and south. The West responded with a delayed but vigorous effort to save them from starvation, exposure and disease. The Bush Administration then sought to coax those refugees to return to their homes in Iraq, where the pressure of trade sanctions and inflation has led to new suffering.

Observations by doctors and relief officials during visits to hospitals across the country seem to bear out Iraqi Health Ministry figures showing a 25 percent increase in the admission of patients suffering from gastroenteritis in the last two months. Iraqi hospital workers say that figure significantly understates the rise in intestinal infections, since many cases do not reach hospitals.

Health Ministry figures also confirm what many Iraqi doctors reported in interviews—that more patients are dying from infectious diarrheal disease, largely because of their weakened state. While death from such infections was rare in 1990, the death rate for patients suffering from those diseases in the last two months has been about 32 per 1,000 cases admitted to hospitals. More than 17,000 people suffering from infectious diarrheal diseases were admitted to hospitals in April and May, ministry data indicate.

AFTER THE BOMBING, SEWAGE EVERYWHERE

The death rate in reported typhoid cases has jumped this year from statistical insignificance to 60 to 80 deaths per 1,000, according to Health Ministry figures.

The allied bombing attack on Iraq's national electric power grid severely disabled the country's water-purification and sewage pumping and treatment system. The system's failure caused raw waste to fill city streets and flow untreated into the rivers where millions of Iraqis turned for drinking water during the war. Poor sanitation ignited an epidemic of cholera, typhoid, gastroenteritis and other water-borne diarrheal diseases.

Dominique Dufour, the head of a 90-member team sent here by the International Committee of the Red Cross, said, "I am absolutely sure that no Pentagon planner calculated the impact bombing the electrical plants would have on pure drinking water supplies for weeks to come, and the snowball effect of this on public health."

Health Ministry officials allowed a reporter and Dr. Thomas, who was born in Iraq to make impromptu visits to hospitals throughout the country. Dr. Thomas, who has previously operated a medical supply company in Iraq, is trying to organize a private group of doctors who would donate equipment and medical services to Iraq.

Iraqi officials also allowed Westerners to visit Baghdad's main hospital for infectious diseases for the first time since the war. Some physicians in the United States suspected that Iraq was "hiding" cholera cases at that hospital in April and May. But during a visit, the staff of the severely rundown hospital readily acknowledged that they had treated many suspected cholera cases, as well as typhoid meningitis and hemorrhagic fever.

"I think they were just embarrassed by the place," said Dr. Michael Viola, a professor of medicine and microbiology at the State University of New York at Stony Brook, who also visited Iraq to study the war's effects on public health. "It's a disgrace. They ought to close it."

FEW RELIABLE DATA, BUT PLENTY OF PROOF

Dr. Viola, along with two other physicians from New York who represent a group called Medicine for Peace, said that although no reliable statistics are available from Western organizations, a severe epidemic of several diseases is in progress and is being aggravated by malnutrition.

"You don't need statistics," he said. "It's everywhere."

The national supply of pure water is in a precarious state. Most Iraqi cities are pumping one-tenth of the chlorinated water they were a year ago, and Government stocks of chlorine have dwindled to a 30-day supply in Mosul and Erbil, two major northern cities.

Patched-up generating plants are struggling to meet the demand for electricity as average daytime temperatures rise above 100 degrees. Blackouts of 12 hours or more a day have been common in the last two weeks.

A reporter traveling through dozens of pediatric- and infectious-disease wards across the country saw more than 100 cases of marasmus, or progressive emaciation from advanced malnutrition. Typical symptoms are a gaunt skeletal look and distended stomach. There were also many obvious cases of kwashiorkor, an advanced form of protein deficiency in toddlers that is seldom seen outside drought-stricken areas of Africa.

HOSPITALS REJECT THE MALNOURISHED

Under Iraqi Government policy, advanced malnutrition alone does not entitle one to admission to a hospital; a patient must also have contracted a disease or developed other complications before admission is allowed.

"If we admitted all the marasmus cases, the hospitals would be full in one day,' said Dr. Amera Ali, a physician at Ibn Baladi Hospital in Baghdad.

A severe shortage of infant formula has put the price of that basic nourishment beyond the means of many poor families. The price of one can of powdered infant formula has skyrocketed from about $1 to nearly $50. Poor families are allowed three cans per month from Government stocks at the lower, subsidized price, but the minimum nutritional need of an infant is 10 cans per month, doctors said.

A reporter saw dozens of mothers diluting infant formula to half strength to stretch out their precious supplies. Even in hospitals, most patients are receiving only half the normal ration of food because of cutbacks by the Health Ministry in hospital food budgets. Food rations of doctors and nurses have also been halved.

In Washington, Bush Administration officials have recently questioned whether Mr. Hussein is funneling any of Iraq's scarce hard-currency resources to the health sector. In interviews, the officials suggested that Mr. Hussein was effectively allowing relief organizations to assume the public-health burden in Iraq, even though such aid is inadequate.

But Western relief officials and Iraqi medical officials here indicated that the Government has allocated hard currency to imports of some medicines and infant formula that are not being provided by the relief agencies.

SEVERE INTERRUPTIONS OF KIDNEY DIALYSIS

This month, all Iraqis are being issued new medical cards that forbid them to take their health problems directly to the hospital system. Each Iraqi is assigned to a district health center where primary care will be dispensed, with only serious cases referred to the hospitals.

In hospital wards, doctors said they had been unable to supply adequate amounts of insulin to patients with diabetes. Medication for hypertension is unavailable in many cities. Kidney patients are going without drugs to fight rejection of the organs after transplants, and there have been serious interruptions of dialysis treatment.

A nephrologist in Mosul said that 28 of the 50 patients who were being treated in northern Iraq's only kidney dialysis program died during the gulf war or shortly after it ended because of a lack of transportation, electrical power or clean water for the delicate machinery. Physicians said that women with breast cancer and other cancer patients were going without adequate medication and treatment.

A senior relief agency official confirmed that the priority in humanitarian shipments of medicine had been antibiotics, which were urgently needed to fight outbreaks of cholera, typhoid and other infectious diseases.

AN AFRICAN FAMINE WOULD SIPHON AID

"We are not in the chronic-disease business," the relief official said. "We cannot become the pharmacists for 18 million people. We take the Africa approach—vaccination, basic antibiotics, and feeding."

One senior relief official said the cost of relief efforts in Iraq could exceed $500 million by next year.

"And who will that be paid by?" he said. "Not by Iraq, but by the taxpayers of the United States and Western Europe."

Within Iraq's medical establishment, there is a powerful current of resentment against the Bush Administration for seeking to topple Mr. Hussein by inflicting pain on the Iraqi population. Citizens have little hope of changing the Government in a police state protected by layers of security forces.

"Last year Bush made a speech at the United Nations about the children of the world, but look what he is doing to Iraqi children," the Deputy Health Minister, Dr. Shawki Murqos, said. "Nobody here will forget that."

This misery is a direct result of the so-called allies or United States-led imposition of U.N. sanctions against Iraq and the massive destruction of Iraq's infrastructure by United States-led allied bombing, and still we do

nothing. The United States must act now to lift these economic sanctions to save thousands upon thousands of innocent Iraqi civilians, especially children, by death from starvation and disease.

On May 30, 1991, I called on the President, via a letter, to initiate an immediate and massive international effort to establish a fund to provide food and medical relief for this dire situation resulting from the imposition of an international embargo on Iraq. I have as yet to have any substantive response. As a matter of fact, I must report that I am deeply troubled by the fact that President Bush, who on a personal basis is a very wonderful person, very admirable, very kind, and very outgoing and gregarious in his own way, but has followed the same principle as his predecessor, President Reagan.

President Reagan was the first President that did not reply to a Congressman's letter. Even Richard Nixon would. But not President Reagan. Instead you get a reply from some unknown apparatchik somewhere, probably in the White House, saying that they acknowledge receipt of the letter and that is it. So that I have no idea of what it is that we in the United States must wait before our level of consciousness is penetrated at this shocking situation that we have foremost been responsible for.

We cannot escape this. Fate, destiny cannot be escaped. It is the result of actions in which we are exalting in victory celebrations that now have lasted over 2½ times the length of the entire war. In fact, the President has asked the United Nations to continue to reinforce the sanctions which are killing the children of Iraq.

Now, we are speaking of children, babies, under age 5, dying at the rate of 500 to 1,000 a day. We cannot wait on the President until he is embarrassed into taking humanitarian action.

I think today's New York Times front page centerpiece showing this baby with the familiar swollen abdomen, like we have seen these pictures of the Africans and the other very unfortunate countries where we have had these terrible situations in which, in effect, whether we like it or not, we are perpetrating genocide.

The plight of the Kurds was ignored until the overwhelming compassion of the American people, but not until after the European press, particularly, and the French, who had physicians that had volunteered and had flown over and worked with the Kurds, compelled some action. But the whole story is not being told, as there are still thousands of innocent people starving and in dire need of medical attention in Iraq due to the failure of the United States and its allies—so-called allies—to bring about some action.

It took many deaths, the threat of many more before the administration acted on behalf of the Kurds. How many Iraqi women, children, elderly people will have to die before our leadership takes basic humanitarian action on their behalf as well? Are the Iraqi babies any less innocent than the Kurds, any less deserving of life?

A Harvard University study team just completed the first comprehensive survey of public health in postwar Iraq, and they project that at least 17,000 Iraqi children under 5 years of age will die in this coming year from the delayed effects of the Persian Gulf crisis—or war—whatever one wants to call it. This is in addition to the tens of thousands of children who have already died in Iraq in recent months. Widespread and severe malnutrition exists in Iraq. Cholera, typhoid, gastroenteritis are epidemic throughout this country.

□ 1720

There is a breakdown in the medical care system with acute shortages of medicine, equipment, and staff, water purification, sewage-disposal plants, and electrical power. All of these are in a state of incapacitation.

The war has contributed directly to this crisis. It is a consequence of the war. The destruction of Iraq's electrical infrastructure has made it almost impossible to treat sewage or purify water which means waterborne diseases flourish, and hospitals cannot treat crucial diseases.

At this point I wish to place in the RECORD a copy of the letter that I mailed to the President on May 30 of this year.

WASHINGTON, DC,
May 30, 1991.

HON. GEORGE W. BUSH,
President, United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am outraged over the current situation in Iraq, and I write to demand immediate action by your Administration. You called upon our allies for contributions to help pay for our war effort—you called on them to fund death and destruction. I demand that you call immediately on our allies, and our own resources, to pay for food and medical relief for all those who continue to suffer from the effects of the war—to fund life.

The bankrupt nature of your Administration's policy in the Middle East is becoming more and more evident, as the massive starvation, widespread unrest, and disintegration of the so-called Arab unity—witness the recent withdrawal of Egypt from the coalition forces—are further exacerbating the instability worsened by the Persian Gulf War. Further, the situation in Kuwait with extended martial law makes is clear that this war had nothing to do with democracy, with justice, or with freeing the oppressed, and it had everything to do with greed—spelled o-i-l. There is a worldwide revulsion of the United States' actions of greed in the Middle East, as many innocents have suffered and died, and are suffering and dying still.

Mr. President, do not wait until you are embarrassed into taking humanitarian action, as you were in the tragic situation of the Kurds. The plight of the Kurds was ignored by your Administration until the overwhelming compassion of the American public compelled action. But the whole story is not being told, as there are still thousands of innocent people starving and in dire need of medical attention in Iraq due to U.S. and allied actions. It took many deaths and the threat of many more before your Administration acted on behalf of the Kurds; how many Iraqi women, children, and elderly people will have to die before this Administration takes basic humanitarian action on their behalf as well? A Harvard University study team just completed the first comprehensive survey of public health in postwar Iraq, and they project that at least 170,000 Iraqi children under five years of age will die in the coming year from the delayed effects of the Persian Gulf Crisis.

This is in addition to the tens of thousands of children who have already died in Iraq in recent months. Widespread and severe malnutrition exists in Iraq; cholera, typhoid, and gastroenteritis are epidemic throughout Iraq, there is a breakdown in the medical care system with acute shortages of medicines, equipment, and staff; and water purification, sewage disposal plants, and electrical power plants have been incapacitated. The Harvard report states, "There is a link in Iraq between electrical power and public health. Without electricity, water cannot be purified, sewage cannot be treated, waterborne diseases flourish, and hospitals cannot treat curable illness."

The economic embargo levied against Iraq has thwarted the availability of the most basic food stuffs and medicine to the general population. Iraq has historically been dependent on the importation of food, and before the embargo three quarters of the total calcoric intake in Iraq was imported. Moreover, 96% of Iraqi revenue to pay for imports, namely food and medicine, was derived from the exportation of oil.

The embargo enacted by United Nations Resolution 661 and strengthened by U.N. Resolution 666 has not only made food and medicine more scarce, it has led to an inflationary spiral that has priced many Iraqis completely out of the food market. The embargo has also led to the scarcity of all medicines throughout the country. The situation has only been exacerbated by the massive destruction of the entire nation's infrastructure by U.S. bombing. The destruction of the water and electrical systems means that ever greater numbers of Iraqis, especially children, will continue to die as disease spreads throughout the summer. Without the revenue from the exportation of oil, Iraq will not be able to meet the basic needs of its own population.

Therefore, an immediate and massive international effort is required to establish a fund and with it provide food and medical relief to this dire situation resultant from the imposition of an international embargo of Iraq. The most fundamental effect of the war has been the deaths of children. The most fundamental responsibility we have is to prevent more children from dying when we and our allies have the ability to help.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

Mr. Speaker, the economic embargo levied against Iraq has, I repeat, thwarted the availability of the most basic foodstuffs and medicines to the general population. Iraq's historical dependence on the importation of food has made its people especially vulner-

able to sanctions. Before the embargo, three-quarters of the total caloric intake in Iraq was because of imported food. Moreover, 96 percent of Iraq's revenue to pay for imports, namely, food and medicine, was derived from the exportation of oil.

The combined effect of the destruction of the U.S.-led war and the embargo is a tragedy that will only increase in exponential proportions. Therefore, the United States must act now to lift the economic embargo of Iraq.

Hundreds of millions of dollars were spent and millions of lives were disrupted to supposedly come to the aid of Kuwait when it suffered the aggression of Saddam Hussein. It is a stomach-turning irony that we can come to the aid of hundreds of thousands of innocent Iraqis who must live under the rule of Saddam every day without spending one red cent, yet, we refuse to do so.

The sanctions against Iraq must be lifted to save tens of thousands of lives. If we do not, the blood of these Iraqi children will be on our consciences and hands.

Mr. Speaker, I urge my colleagues to join me in this effort to save the children of Iraq.

I am also placing in the RECORD at the point four articles that, again, appeared in yesterday's Washington Post.

ALLIED AIR WAR STRUCK BROADLY IN IRAQ

(By Barton Gellman)

The strategic bombing of Iraq, described in wartime briefings as a campaign against Baghdad's offensive military capabilities, now appears to have been broader in its purposes and selection of targets.

Amid mounting evidence of Iraq's ruined infrastructure and the painful consequences for ordinary Iraqis, Pentagon officials more readily acknowledge the severe impact of the 43-day air bombardment on Iraq's economic future and civilian population. Their explanations these days of the bombing's goals and methods suggest that the allies, relying on traditional concepts of strategic warfare, sought to achieve some of their military objectives in the Persian Gulf War by disabling Iraqi society at large.

Though many details remain classified, interviews with those involved in the targeting disclose three main contrasts with the administration's earlier portrayal of a campaign aimed solely at Iraq's armed forces and their lines of supply and command.

Some targets, especially late in the war, were bombed primarily to create postwar leverage over Iraq, not to influence the course of the conflict itself. Planners now say their intent was to destroy or damage valuable facilities that Baghdad could not repair without foreign assistance.

Many of the targets in Iraq's Mesopotamian heartland, the list of which grew from about 400 to more than 700 in the course of the war, were chosen only secondarily to contribute to the military defeat of Baghdad's occupation army in Kuwait. Military planners hoped the bombing would amplify the economic and psychological impact of international sanctions on Iraqi society, and thereby compel President Saddam Hussein to withdraw Iraqi forces from Kuwait without a ground war. They also hoped to incite Iraqi citizens to rise against the Iraqi leader.

Because of these goals, damage to civilian structures and interests, invariably described by briefers during the war as "collateral" and unintended, was sometimes neither. The Air Force and Navy "fraggers" who prepared the daily air-tasking orders in Riyadh, Saudi Arabia, took great care to avoid dropping explosives directly on civilians—and were almost certainly more successful than in any previous war—but they deliberately did great harm to Iraq's ability to support itself as an industrial society.

The worst civilian suffering, senior officers say, has resulted not from bombs that went astray but from precision-guided weapons that hit exactly where they were aimed—at electrical plants, oil refineries and transportation networks. Each of these targets was acknowledged during the war, but all the purposes and consequences of their destruction were not divulged.

Among the justifications offered now, particularly by the Air Force in recent briefings, is that Iraqi civilians were not blameless for Saddam's invasion of Kuwait. "The definition of innocents gets to be a little bit unclear," said a senior Air Force officer, noting that many Iraqis supported the invasion of Kuwait. "They do live there, and ultimately the people have some control over what goes on in their country."

"When they discuss warfare, a lot of folks tend to think of force on force, soldier A against soldier B," said another officer who played a central role in the air campaign but declined to be named. Strategic bombing, by contrast, strikes against "all those things that allow a nation to sustain itself."

For the Air Force, the gulf war finally demonstrated what proponents of air power had argued since Gen. Billy Mitchell published "Winged Defense" in 1925: that airplanes could defeat an enemy by soaring over his defensive perimeter and striking directly at his economic and military core.

For critics, this was the war that showed why the indirect effects of bombing must be planned as discriminately as the direct ones. The bombardment may have been precise, they argue, but the results have been felt throughout Iraqi society, and the bombing ultimately may have done as much to harm civilians as soldiers.

Pentagon officials say that military lawyers were present in the air campaign's "Black Hole" planning cell in Riyadh and emphasize that bombing followed international conventions of war. Defense Secretary Richard B. Cheney, at a recent breakfast with reporters, said every Iraqi target was "perfectly legitmate' and added "If I had to do it over again, I would do exactly the same thing."

A growing debate on the air campaign is challenging Cheney's argument on two fronts.

Some critics, including a Harvard public health team and the environmental group Greenpeace, have questioned the morality of the bombing by pointing to its ripple effects on noncombatants.

The Harvard team, for example, reported last month that the lack of electrical power, fuel and key transportation links in Iraq now has led to acute malnutrition and "epidemic" levels of cholera and typhoid. In an estimate not substantively disputed by the Pentagon, the team projected that "at least 170,000 children under five years of age will die in the coming year from the delayed effects" of the bombing.

Military officials assert that allied aircraft passed up legitimate targets when the costs to Iraqi civilians or their society would be too high, declining for instance to strike an Iraqi MiG–21 parked outside an ancient mosque. Using the same rationale, the critics argue that the allies should not have bombed electrical plants that powered hospitals and water treatment plants.

"I think this war challenges us to ask ourselves whether or not the lethality of conventional weapons in modern urban, integrated societies isn't such that . . . what is 'legitimate' is inhumane," said William M. Arkin, one of the authors of the Greenpeace report.

A second line of criticism, put forth by some outside analysts of air power and prevalent in not-for-quotation interviews with Army officers, questions the relevance of some forms of "strategic" bombing to a campaign in which the enemy will not have time to regenerate military strength.

Historians Robert A. Pape Jr. and Caroline Ciernke, noting that the U.S. Central Command planned for only 30 days of bombing, say the vital targets were existing stocks of supply and the system of distribution. A campaign to incapacitate an entire society, they say, may be inappropriate in the context of a short war against a small nation in which the populace is not free to alter its leadership.

"If you're refighting World War I or II, where literally years of combat are required to defeat your adversary, then destroying industrial infrastructure makes some sense," Pape said. "When you destroy the industrial infrastructure, the effects on the opponent's military power don't show up for quite a while. What shows up immediately is losses to the civilian sector, because that's what states sacrifice first."

Among the remaining questions about the air strategy is the extent of the administration's top civilians' participation in planning the bombardment. President Bush stressed during the war that he left most of the fighting decisions to the military.

Cheney, for his part, rejects any talk of second thoughts on the bombing.

"There shouldn't be any doubt in anybody's mind that modern warfare is destructive, that we had a significant impact on Iraqi society that we wished we had not had to do," he said. Once war begins, he added, "while you still want to be as discriminating as possible in terms of avoiding civilian casualties, your number one obligation is to accomplish your mission and to do it at the lowest possible cost in terms of American lives. My own personal view is that there are a large number of Americans who came home from the war . . . who would not have come home at all if we had not hit the strategic targets and hit them hard."

Preliminary planning for the bombing campaign began before Iraq even invaded Kuwait last Aug. 2. A war game last July at Shaw Air Force Base in South Carolina, based on a notional "Southwest Asia contingency" with Iraq as the aggressor, identified 27 strategic targets in Iraq, according to a senior intelligence official, Revisions by analysts beginning five days after the invasion built the lists to 57 and then 87 strategic targets, not including the Iraqi forces in Kuwait.

By the time the gulf war started on Jan. 17, according to sources with access to the target list, slightly more than 400 sites had been targeted in Iraq. They were heavily concentrated in a swath running northwest to southeast between the Tigris and Euphrates rivers.

With the benefit of additional intelligence gathered during the war and additional

bombing capacity—the number of B-52 bombers was increased twice and the number of F-117A "stealth" fighters grew to 42—the list expanded to more than 700 targets. They were divided into 12 sets: leadership; command, control and communications; air defense; airfields; nuclear, biological and chemical weapons; railroads and bridges; Scud missiles; conventional military production and storage facilities; oil; electricity; naval ports; and Republican Guard forces.

Most of those target sets were not controversial. Recent questions have centered on two categories: electrical and oil facilities.

Of the 700 or so identified targets, 28 were "key nodes" of electrical power generation, according to Air Force sources. The allies flew 215 sorties against the electrical plants, using unguided bombs, Tomahawk cruise missiles and laser-guided GBU-10 bombs.

Between the sixth and seventh days of the air war, the Iraqis shut down what remained of their national power grid. "Not an electron was flowing," said one target planner.

At least nine of the allied attacks targeted transformers or switching yards, each of which U.S. analysts estimated would take about a year to repair—with Western assistance. In some cases, however, the bombs targeted main generator halls, with an estimated five-year repair time. The Harvard team, which visited most of Iraq's 20 generating plants, said that 17 were damaged or destroyed in allied bombing. Of the 17, 11 were judged total losses.

Now nearly four months after the war's end, Iraq's electrical generation has reached only 20 to 25 percent of its prewar capacity of 9,000 to 9,500 megawatts. Pentagon analysts calculate that the country has roughly the generating capacity it had in 1920—before reliance on refrigeration and sewage treatment became widespread.

"The reason you take out electricity is because modern societies depend on it so heavily and therefore modern militaries depend on it so heavily," said an officer involved in planning the air campaign. "It's a leveraged target set."

The "leverage" of electricity, from a military point of view, is that it is both indispensable and impossible to stockpile. Destroying the source removes the supply immediately, and portable backup generators are neither powerful nor reliable enough to compensate.

Attacks on some electrical facilities, officers said, reinforced other strategic goals such as weakening air defenses and communications between Baghdad and its field army.

But two weeks into the air campaign, Army Gen. H. Norman Schwarzkopf, who commanded allied forces during the gulf war, said "we never had any intention of destroying 100 percent of all the Iraqi electrical power" because such a course would cause civilians to "suffer unduly."

Pentagon officials declined two written requests for a review of the 28 electrical targets and explanations of their specific military relevance.

"People say, 'You didn't recognize that it was going to have an effect on water or sewage,'" said the planning officer. "Well, what were we trying to do with [United Nations-approved economic] sanctions—help out the Iraqi people? No. What we were doing with the attacks on infrastructure was to accelerate the effect of the sanctions."

Col. John A. Warden III, deputy director of strategy, doctrine and plans for the Air Force, agreed that one purpose of destroying Iraq's electrical grid was that "you have imposed a long-term problem on the leadership that it has to deal with sometime."

"Saddam Hussein cannot restore his own electricity," he said. "He needs help. If there are political objectives that the U.N. coalition has, it can say, 'Saddam, when you agree to do these things, we will allow people to come in and fix your electricity.' It gives us long-term leverage."

Said another Air Force planner: "Big picture, we wanted to let people know, 'Get rid of this guy and we'll be more than happy to assist in rebuilding. We're not going to tolerate Saddam Hussein or his regime. Fix that, and we'll fix your electricity.'"

Lt. Gen. Charles A. Horner, who had overall command of the air campaign, said in an interview that a "side benefit" was the psychological effect on ordinary Iraqi citizens of having their lights go out.

Attacks on Iraqi oil facilities resulted in a similar combination of military and civilian effects.

Air Force sources said the allies dropped about 1,200 tons of explosives in 518 sorties against 28 oil targets. The intent, they said, was "the complete cessation of refining" without damaging most crude oil production.

Warden, the Air Force strategist, said the lack of refined petroleum deprived Iraq's military of nearly "all motive power" by the end of the war. He acknowledged it had identical effects on civilian society.

Among the targets were: major storage tanks; the gas/oil separators through which crude oil must pass on its way to refineries; the distilling towers and catalytic crackers at the heart of modern refineries; and the critical K2 pipeline junction near Beiji that connects northern oil fields, an export pipeline to Turkey and a reversible north-south pipeline inside Iraq.

Of Iraq's three large modern refineries, the 71,000 barrel-a-day Daura facility outside Baghdad and the 140,000 barrel-a-day Basra plant were badly damaged early in the war, according to a forthcoming report by Cambridge Energy Research Associates. But James Placke, the report's author, said in an interview that the 300,000 barrel-a-day refinery at Beiji in northern Iraq—far from the war's main theater of operations—was not bombed until the final days of the air campaign.

Horner, the three-star general who was ultimately responsible for the air campaign, said the bombing's restraint was evidenced by the decision not to destroy crude oil production, "the fundamental strength of that society." Even so, he said, the impact of the war on Iraqi civilians was "terrifying and certainly saddening."

"To say it's the fault of the United States for fighting and winning a war, that's ludicrous," he said. "War's the problem. It's not how we fought it or didn't fight it. I think war's the disaster."

[From the Washington Post, June 23, 1991]

IRAQI DEATH TOLL REMAINS CLOUDED—BAGHDAD PROMISES FIGURES

(By Caryle Murphy)

BAGHDAD, Iraq, June 22—In the early hours of Jan. 17, when Operation Desert Storm broke over Baghdad's sky, pandemonium also broke out in Saddam Central Teaching Hospital. According to hospital director Qassim Ismail, panicked mothers grabbed their infants and children from incubators and intravenous drips and fled to the basement.

"Most mothers left their hospital beds in a panic way," Dr. Ismail recalled in an interview. "You know, they were afraid. They took their babies from incubators, from the drips, to the basement, which is a great mistake. We couldn't stop them. It was very cold. We lost so many premature [babies]." Pressed for numbers, Ismail said "about 45" babies died "in the first eight hours." Two children brought in that night with head injuries both died, Ismail said.

After that first night, mothers fled the hospital out of fear. "We couldn't stop them from leaving. . . . even the critically ill," he added.

The first night's chaos—and the resulting confusion about casualties—illustrates one of the enduring mysteries of the Persian Gulf War. Nearly four months after the war ended, there still is uncertainty about how many Iraqis died during the fighting and in the brief internal revolts that followed.

The Iraqi death toll is a mystery that neither Washington nor Baghdad has seemed eager to solve.

The Pentagon has estimated that 100,000 Iraqi soldiers were killed in the war, but has issued no estimate of Iraqi civilian deaths. A preliminary estimate by Iraqi officials was that 7,000 civilians died during the air campaign. Iraqi opposition groups' estimates of fatalities during the month-long fighting between Shiite Muslim rebels and government forces in southern Iraq after the war ranged from 30,000 to 100,000. Thousands more died in the suppression of a Kurdish revolt in northern Iraq.

Although there are few statistics and little hard information to go on, some foreign observers here and Iraqi specialists abroad have come to some tentative conclusions about the death toll:

The revolts by Shiite Muslims in the south and by Kurds in the north may have resulted in more military and civilian deaths than the allied air and ground war against Iraqi forces known as Operation Desert Storm, these sources suggest. And most agree that the largest number of casualties were in the south, where fighting between Iraqi troops and the rebels were bloodiest.

There are suspicions that Iraqi military deaths in Operation Desert Storm were much lower than the U.S. estimate. These suspicions rest on several factors.

First, the lists of identified Iraqi bodies buried on the battlefield, presented to the Iraqi government by U.S. and British military officials, contained only 458 names. And a list of burial sites in the Kuwaiti and Iraqi deserts that hold unidentified Iraqi remains named only a few locations.

One observer, who asked not be identified, said he takes this to mean that either six weeks of air attacks did not kill a large number of Iraqi soldiers, or that the Iraqis—under relentless bombing—were able to transport home thousands of bodies. The exact number of Iraqi war dead, he said, "may turn into an American secret" if indeed very few were killed.

Second, although civilian hospitals in Baghdad had been readied to receive an overflow of military casualties from the Iraqi military medical system during the war, an overflow did not materialize until mid-March, according to one source. This was when Iraqi troops were violently suppressing the Shiite rebellion in the south.

[In late March, U.S. military officials announced that American forces had buried 444 Iraqi soldiers at 55 sites on the battlefield. They would not say how many Iraqis were buried by British or Saudi forces, including Saudi "burial teams" operating under U.S. and allied command, staff writer R. Jeffrey Smith reported.

[Pentagon spokesman Pete Williams said Friday that the number of Iraqis buried by American forces has risen to 577.

[Five major burial sites were used by the Saudis, according to the Pentagon's announcement in March. Saudi officials, like the Americans, supplied such details as grid coordinates, number of bodies, and as much personal data as possible to the International Committee of the Red Cross, which forwarded it to the Iraqi government.

[The estimate of 100,000 Iraqi soldiers killed during Desert Storm was announced May 22 by the Defense Intelligence Agency. The DIA said, however, that the "error factor" in this estimate was 50 percent or higher, meaning that fewer than 50,000 or more than 150,000 may have been slain.]

Measuring the death toll's impact on Iraqi society is also difficult, partly because of the constraints Iraqis feel in speaking to foreigners. Accustomed to the secrecy of their government, Iraqi residents of this capital city appear to accept the missing casualty figures as something they can do little about.

Morever, many Iraqis seem more preoccupied with a daily battle to survive in the face of rising food prices and shortages as the economic embargo on their country continues to squeeze supplies.

The deaths "certainly affected them very much," said one foreign observer here. "But now they are suffering more from other things. Prices are crazy. I don't know how people can live here."

A reporter's attempt to gather information on war-related deaths yields few certainties or facts, though it offers some revealing glimpses of the emotional events in recent months here.

Qusay Khayat, 43, a renal specialist trained in England, is director of Baghdad's Yarmouk Medical Office, which includes two large teaching hospitals.

On Jan. 17, Khayat said, "I left the hospital about 12:30 a.m. I went home. I was exhausted and tired from preparing for the war. I had no appetite. My daughter said, 'Why don't you sit with us?' I said 'No, I will go to bed because I'm expecting an early wakeup tonight.'

"At 2:30 a.m., again my daughter came and said, 'Daddy, wake up. The war had started.' So I went outside the house. Really the war had started. I saw anti-aircraft missiles and I heard them. All the sky was full of missiles and you didn't know which [ones were] coming down and which were going up."

Khayat said his hospital, some of whose staff members walked to work, received between 120 and 130 wounded civilians that first night, mostly women and children. He said he was not allowed to say how many Iraqis died at his hospital during the six-week air war.

"I lived in this room during the war. My bed was there," he said, pointing to a corner. "And nearly every day, with every air raid, this whole hospital was shaking and every time I was saying, 'The hospital will fall down.' It's an old one."

The first deputy minister at the Ministry of Health, Shawqui Sabri Murqus, said "thousands and thousands" of civilians died in hospitals during the war months. But he declined to give the exact figure, saying he expects it to be released soon.

"I hope in a few days we can announce [the civilian death toll]. I think we will do [so]. You know, the actual number should be a correct one, based on correct data. . . . We will announce that for sure."

But Murqus, like most Iraqi officials, portrayed the rebellions that followed Desert Storm as a continuation of a foreign attack on his country. The uprisings, he said, were the "third page of the aggression." Given this, it is not clear whether the civilian death figures will distinguish between Desert Storm and the uprisings.

AMARIYA: WHERE ONE RAID KILLED 300 IRAQIS

(By Caryle Murphy)

BAGHDAD, Iraq, June 22—The thick, windowless walls of the Amariya air raid shelter bake in the hot, dusty wind of Baghdad's summer, and the squat building sits silent and brooding as a tomb in a neighborhood of mourners.

Here, on Feb. 13, more than 300 Iraqis were killed, most of them instantly incinerated, when U.S. bombers struck what U.S. officials maintain was a military command post. Many Iraqis, particularly those who lost relatives, angrily disagree, saying they believe the Americans knew it held civilians and struck anyway.

"If you talk all the days, it is not enough to express our feelings about this problem," said 17-year-old Ahmed Diaya, who was burned on his back but survived the explosion. His sister, Shayma, 18, died. Diaya and his mother say they don't believe the American version.

By Iraqi standards, Amariya is a middle-class neighborhood populated mostly by civil servants. The shelter is a rock of a building. Externally, one can only tell it has been damaged by looking closely at the roof.

Around it, scores of homes are decked with black bunting that lists the family members who died. One house is locked shut, all its occupants perished in the bombing. On one street, 50 people were killed. One man who lost his whole family is said to have committed suicide.

One foreigner who asked not to be identified said he was awake from a previous air raid when the shelter attack occurred at 4:30 a.m. on Feb. 13. The blast, he said, "was seismic. It didn't produce a flash, [as other explosions normally did]. My bed shook . . . . moments later, I heard the second bomb."

Unlike other air attacks, he said, this one drew no sirens or antiaircraft fire, leading him to suspect that radar-evading Stealth planes were used.

Ahmed Joodi, 17, lost his parents, a niece and three sisters in the bombing. He said the shelter "wasn't open" to the public the first two nights of the U.S. air campaign. But another Baghdad resident said several Iraqis told him the shelter had been used by civilians since the beginning of the air war.

After two days of the air war, Joodi's family fled Baghdad for the countryside, and only returned about two weeks later when his father called him back, Joodi said, adding "life in Baghdad was normal." Find the shelter open, they stayed there just to be sure, even though homes in the neighborhood were not being targeted by the Americans, he said.

AIR FORCE HUNTED MOTOR HOME IN WAR'S "GET SADDAM" MISSION

(By Patrick J. Sloyan)

Military commanders conducted a massive search during the Persian Gulf War for an American-made motor home used by Iraqi President Saddam Hussein, according to U.S. military officials.

"We really went after him," one general said of the search for Saddam's forest-green "Wanderlodge," a type of luxury vehicle favored by celebrities such as country singer Johnny Cash and movie star Tom Cruise.

What the military called an intense "Get Saddam" operation is at odds with statements by President Bush and his top aides that the United States was really after Iraq's military leadership—not Saddam, the individual. But the wily, often baffling Iraqi leader escaped death at least twice while a top-priority target for missiles and warplanes hunting for the $350,000 motor home Saddam used as a mobile command center.

In the opening hours of the war on Jan. 17, Tomahawk cruise missiles and F-117A "stealth" fighter-bombers destroyed command bunkers Saddam was using in Baghdad. American hopes soared when he failed to appear in public for three days.

"Close, but no cigar," said one Pentagon planner of the bunker strikes.

After most command bunkers were destroyed, U.S. Air Force planes were divided into hunter-killer teams and patrolled areas likely to be traveled by Saddam's mobile command center. According to one Air Force officer, the search at one point rivaled allied efforts to destroy Scud missiles sites in Iraq.

While the search for the Wanderlodge failed, Saddam had a brush with death midway in the war, according to military officials. Two F-16 Falcon pilots on a routine patrol unwittingly strafed his motorcade between Baghdad and Basra, Iraq. "It was at night and we had spotted a 50-vehicle convoy," a senior U.S. officer said.

The fighter strafed the front and rear of the motorcade but Saddam's vehicle was in the middle and went undamaged.

The luxury bus was identified by U.S. intelligence before the war from a photograph of Saddam being briefed inside cramped quarters. The Baghdad government, which released the photo Jan 11, identified the location as an underground operations room in southern Iraq. But the Fort Valley, Ga., builders of the motor home identified the room as the stripped-down interior of a Wanderlodge. The company sold nine of the vehicles to Iraq during the 1980s.

Eventually, two Wanderlodges used by Iraqi generals were destroyed by U.S. troops during the ground war.

I am also submitting the Talk of the Town article from the New Yorker, in the week before last edition, and I am going to quote significantly from it, because it was a very insightful article, very brief, but very incisive.

It says:

Three months after United States Marines liberated Kuwait City, the victors of Operation Desert Sortm are still being honored across the country. By July 4th, which President Bush has declared a special day to honor the troops, the ceremonies will have lasted twice as long as the hostlities. During these months, the war has become domesticated; Desert Storm seems now to have had less to do with Kuwait or Iraq than with America's resurgence—how Americans "kicked the Vietnam syndrome once and for all,"—

And that is a quote from President Bush's speech—

and learned to pull together once again. Meanwhile, the real aftermath of the war—its effects on Iraq and Kuwait and parts of the Middle East—has steadily receded from our view. On the day when judges in Kuwait City sentenced a young Iraqi man to fifteen years in prison for wearing a Saddam Hussein T-shirt, Hollywood was congratulating the victorious American troops and parading an M-1 Abrams tank and a Patriot missile

alongside Roseanne Barr and Jimmy Stewart.

The war—or, rather, the victory—gained the Prsident enormous popularity, and for most of the country the entire event has become an occasion for patriotic good feeling. Desert Storm has been reduced to a single, simple plot line, acted out by a few stock characters: the mad dictator, the resolute President, the heroic soldiers, the grateful citizenry. Details—the former intimate relations between the United States and Saddam Hussein's Iraq.

And I brought that out in several expositions on the financing through the United States banking system of millions of dollars for Iraq's war capacity. It is really a schizophrenic history of our country's comportment, so this man is absolutely right.

Unfortunately, the muddled world our of which the Gulf crisis spring last summer has gained little in clarity since the Marines marched into Kuwait City. United States policy in the Gulf has not fundamentally changed: its goal is to maintain at all costs "a secure and stable Gulf" (in Mr. Bush's phrase), in order to shelter the fragile, oil-producing, conservative Sunni regimes of the Arabian peninsula. That goal led President Nixon to anoint the Shah of Iran America's "policeman of the Gulf," and, after the Shah was overthrown, it drove Presidents Reagan and Bush to support Saddam Hussein's Iraq, which they saw as a bulwark against the ideological threat posed by the Ayatollah Khomeini and by the possibility that his Shiite revolution might spread through the Gulf. That same goal subsequently led President Bush to stand politely aside while Saddam Hussein—who he had denounced as worse than Hitler—crushed the Shiite and Kurdish uprisings in his country.

Increasingly, the victory of Desert Storm seems to be leading not so must to a secure and stable Gulf as to an Americanized one. While twelve thousand American troops protect the Kurds in Saddam's Iraq, and five thousand work to keep the Emir's Kuwait functioning, American officials have begun murmuring about establishing a new United States base in Bahrain, about a "prepositioning" of equipment in Saudi Arabia and elsewhere, about regular "joint exercises" involving American troops in the Arabian desert. But many of the threats to "stability" in the Gulf hinge on the weaknesses of the rigid, undemocratic regimes there, and regular visits from the United States Marines, far from removing those threats, might well heighten them.

[From the New Yorker]

THE TALK OF THE TOWN

NOTES AND COMMENT

Three months after United States Marines liberated Kuwait City, the victors of Operation Desert Storm are still being honored across the country. By July 4th, which President Bush has declared a special day to honor the troops, the ceremonies will have lasted twice as long as the hostilities. During these months, the war has become domesticated; Desert Storm seems now to have had less to do with Kuwait or Iraq than with America's resurgence—how Americans "kicked the Vietnam syndrome once and for all," in President Bush's phrase, and learned to pull together once again. Meanwhile, the real aftermath of the war—its effects on Iraq and Kuwait and other parts of the Middle East—has steadily receded from our view. On the day when judges in Kuwait City sentenced a young Iraqi man to fifteen years in prison for wearing a Saddam Hussein T-shirt, Hollywood was congratulating the victorious American troops and parading an M-1 Abrams tank and a Patriot missile alongside Roseanne Barr and Jimmy Stewart.

The war—or, rather, the victory—gained the President enormous popularity, and for most of the country the entire event has become an occasion for patriotic good feeling. Desert Storm has been reduced to a single, simple plot line, acted out by a few stock characters: the mad dictator, the resolute President, the heroic soldiers, the grateful citizenry. Details—the former intimate relations between the United States and Saddam Hussein's, Iraq, for example—remain unexplored. Congress, which might have been expected to investigate the dubious American diplomacy that preceded Iraq's invasion of Kuwait, largely abdicated its responsibility in the face of Desert Storm's high ratings. The roots of the war—why it actually happened—now attract the interest only of specialists and spoilsports.

Unfortunately, the muddled world out of which the Gulf crisis sprang last summer has gained little in clarity since the Marines marched into Kuwait City. United States policy in the Gulf has not fundamentally changed: its goal is to maintain at all costs "a secure and stable Gulf" (in Mr. Bush's phrase), in order to shelter the fragile, oil-producing, conservative Sunni regimes of the Arabian peninsula. That goal led President Nixon to anoint the Shah of Iran America's "policeman of the Gulf," and, after the Shah was overthrown, it drove Presidents Reagan and Bush to support Saddam Hussein's Iraq, which they saw as a bulwark against the ideological threat posed by the Ayatollah Khomeini and by the possibility that his Shiite revolution might spread through the Gulf. That same goal subsequently led President Bush to stand politely aside while Saddam Hussein—whom he had denounced as worse than Hitler—crushed the Shiite and Kurdish uprisings in his country.

On March 6th, a week after the ceasefire, the six Gulf states met in Damascus with Syria and Egypt and issued a call for "a new Arab order to boost joint Arab action." The essence of the new order was a plan to maintain Egyptian and Syrian troops "in the Saudi territories and other Arab countries in the Gulf," so as to "guarantee the security and peace of Arab countries in the Gulf region." The presence of Egyptians and Syrians, it was hoped would eliminate any need for substantial American forces, with the political damage that their continued presence would entail. More important, the structure of the new Arab order—with Egypt and Syria sending troops to the Gulf, and the Gulf countries sending some of their wealth to Cairo and Damascus—might help to bridge the most dangerous fault line in the Arab world: that between the overpopulated, impoverished nations of the north and the underpopulated, oil-rich nations of the south. (Iraq, the source of the region's most recent upheaval, stands astride this fault line—as well as that between the Sunnis and the Shiites—and it's no accident that Saddam Hussein, after invading Kuwait, hoped to attract Arab sympathies by pointing to this basic inequality as his reason for doing so; he was very well aware that the fabulous wealth of the Gulf states and the greed and arrogance perceived as accompanying it engender great resentment in the rest of the Arab world.)

On May 8th, however, President Mubarak announced that he was pulling Egyptian troops out of the Gulf. The decision, Egyptian political and military officials told the Washington Post, reflected "Egypt's impatience with Saudi and Kuwaiti foot-dragging." Now that the war was over, the Gulf states were not so eager to play host to their Arab brothers from the north, and were still less eager to pay for their presence. Besides, a Gulf diplomat was quoted in the Post as saying, "who's going to attack you if they know the United States will come and protect you?" The Gulf states, an Arab journalist said in the same story, "want blue-eyed soldiers to protect them." The comment recalls that of a "senior Gulf official" quoted in the Wall Street Journal just before the war began. "You think I want to send my teen-aged son to die for Kuwait?" he asked, then chuckled. "We have our white slaves from America to do that."

Increasingly, the victory of Desert Storm seems to be leading not so much to a secure and stable Gulf as to an Americanized one. While twelve thousand American troops protect the Kurds in Saddam's Iraq, and five thousand work to keep the Emir's Kuwait functioning, American officials have begun murmuring about establishing a new United States base in Bahrain, about a "prepositioning" of equipment in Saudi Arabia and elsewhere, about regular "joint exercises" involving American troops in the Arabian desert. But many of the threats to "stability" in the Gulf hinge on the weaknesses of the rigid, undemocratic regimes there, and regular visits from the United States Marines, far from removing those threats, might well heighten them. And for the United States, barely a year after the end of the Cold War seemed to offer the promise of a reduced military budget and a greater attention to domestic problems, the Gulf War has brought a greater burden abroad and the strong likelihood of further entanglements in the Middle East. Beyond the parades and the celebrations of national self-renewal, this is the real legacy of Desert Storm.

And at that, I will close my reading from this very insightful article and say this, that there were some fundamental principles to American constitutional government involved in that war. They were chosen to be overlooked by the people's representatives.

I introduced two resolutions. I directed two letters to the leaders of the Congress in August, not later, but in August, because it was obvious that the President had made a quick, almost a snap-judgment decision at Camp David on August 2 and 3.

I felt that it was going to be a repeat of Panama. Where are we there?

We have General Manuel Antonio Noriega over there in Florida. It is going to be embarrassing to us all before that is over with, but more importantly: Do the American people realize the hundreds of children maimed, blinded, halt, lame that we caused by the pointless bombing of the Chorillo district? It was 100 percent black, you know, so that the 10 percent of the upper class of the Panamanians could care less.

□ 1730

They are the ones we have reinstalled in power. We have two-thirds of the American troops at the height of the invasion still in Panama. Do not let

anybody delude Members. That is two-thirds of the top complement at the height of the invasion of American troops. We are occupying Panama and our military are governing Panama. If that is democracy, then we have made a mockery of that word.

Why? I belive for the same reason that we still have thousands of troops in Arabia, not counting those in Kuwait and in North Iraq, and not counting those on the seas. No thought was given to what do we do afterwards. As this article points out, the Middle East is far from stabilized. In fact, it has been so terribly destabilized, that even the alliance is coming apart. Egypt has withdrawn from the alliance. That was not reported until weeks after the occurrence in the American press, and only, I am sure, because the European press has been full of it.

So that when we go to war this way, where a President on his own, without consultation with the Congress and in the Congress, by the time it decides to even discuss, not pass on the constitutionality, not discuss its own laws which were passed specifically to govern in these instances, but merely either to vote loyalty to the President or not. That was the issue, the so-called great debate we had, on whether to go to war. It was not a debate on that, but it was a debate on whether we were going to support the President or not. The President had already committed the troops. He committed twice the number on November 8 that he had announced on August 2 and 3.

So the issue has escaped, and I think with grave consequences to this country. Perhaps it is like Shakespeare says, when a nation becomes arrogant and blinded to itself in its arrogance, it has its eyes sealed by the gods, and struts to its own confusion and becomes a laughing stock to the world.

Mr. Speaker, at this point I insert for the RECORD a resolution expressing the sense of the House of Representatives that the House should act on an emergency basis to lift the economic embargo of Iraq.

H. RES. 180

Whereas reports from the United Nations, the Physicians for Human Rights, the International Red Cross, a Harvard study team, other independent organizations, and private U.S. citizens have documented the fact that unless the economic sanctions imposed against Iraq are immediately lifted and Iraq is allowed to buy and import food, medicine and equipment, especially for power generation, tens of thousands if not hundreds of thousands of Iraqi civilians will die in the upcoming months;

Whereas a Harvard study team estimates that at least 170,000 Iraqi children under the age of five will die within the next year from the delayed effects of the war in the Persian Gulf if the imposition of the sanctions continues;

Whereas this is a conservative estimate and does not include tens of thousands of Iraqi civilians above the age of five who are expected to die from similar causes;

Whereas the Catholic Relief Service estimates that more than 100,000 Iraqi children will die from malnutrition and disease in the upcoming months due to the economic embargo and destruction of the war, and the United Nations Children's Fund estimates that 80,000 Iraqi children may die from these causes;

Whereas malnutrition has become severe and widespread in Iraq since imposition of the embargo and the war due to severe food shortages and the inflation of food prices of up to 1000%, which has effectively priced many Iraqis, especially the poor and disadvantaged, out of the food market;

Whereas cholera, typhoid, and gastroenteritis have become epidemic throughout Iraq since the war due to the critical scarcity of medicine and the inability of Iraq to process sewage and purify the water supply;

Whereas the system of medical care has broken down in Iraq, resulting in the closure of up to 50% of Iraq's medical facilities due to acute shortages of medicines, equipment, and staff;

Whereas the incapacitation of 18 of Iraq's 20 power plants during the war is a principal cause of the deterioration in public health due to the resultant inability of Iraq to process sewage, purify its water supply, and supply electricity to health facilities;

Whereas the health care crisis cannot be addressed without the reconstruction of electrical facilities that enable the purification of water and treatment of sewage;

Whereas before the economic embargo of Iraq, three quarters of the total caloric intake in Iraq was imported and, moreover, 96% of Iraqi revenue to pay for imports, namely food and medicine, was derived from the exportation of oil now prohibited under the embargo;

Whereas Iraq's historic dependence on the importation of food and medicine financed by revenue from the sale of oil has made Iraq particularly vulnerable to the deleterious effects of the sanctions;

Whereas the onset of the summer heat in Iraq will both accelerate the spread of disease and impede its treatment due to the lack of refrigeration facilities even in hospitals;

Whereas the acute shortages in food in Iraq, the inflation of up to 1000% in food prices caused by these shortages, the critical scarcity of medicine, and the essential need to reconstruct Iraq's capacity to generate electricity to enable sewage treatment and water purification, cannot be addressed or rectified without Iraq's re-entry into global commerce, at present effectively prohibited by the economic sanctions;

Whereas the immediate lifting of the sanctions would drastically reduce the number of Iraqi children who will die in the upcoming months from malnutrition and disease and would relieve the suffering of the innocent Iraqi population which is now bearing the burden of the embargo: Now therefore, be it

Resolved by the House of Representatives, That the United States should act on an emergency basis to lift the economic embargo of Iraq to save innocent Iraqi civilians, especially children, from death by disease and starvation.

POSTCOLD WAR ERA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I did a special order last Thursday which was somewhat truncated because the Committee on Banking, Finance and Urban Affairs, so ably and conscientiously chaired by the previous speaker, was having a markup, and I wanted to get back to it. I will be doing this today and several other times this week and I want to explain, Mr. Speaker, that I have not suddenly been seized by an urge to make speeches to empty chairs.

I think we are at a very important point in American history. The dominant event of the past 45 years was the cold war, the effort of the United States to defend itself and much of the rest of the world against the Soviet Union and its allies. People can differ as to who was right and who was wrong and all of that. My view is that the United States was on the correct side of that fundamental issue and of most of the specific disputes that grew out of it. However, I do not think there is room for dispute about the fact that it is over.

On the other hand, what we have got is an insufficient recognition of what the ending of the cold war means to this country. What I want to do today and for the next couple of times when I am at this microphone during this period, is to address that.

As a Member of this House primarily because I think the opportunities we have in public policy to do a number of things that we have long left undone is enormous, because of the victory of the United States in the cold war, but also as a Democrat, one of the valid, relevant functions of this institution is to present to the American people, Mr. Speaker, competing views of the two parties. I think there is an agenda that the Democratic Party has had for some time which has a great deal of appeal, both in terms of substance and politically, it has been deferred by other claims on resources. That agenda now becomes realistic. The ending of the cold war need not have engendered partisan differences about what it has to do.

I think the response of President Bush, which is in line with the approach of his predecessor, Ronald Reagan, and the support President Bush gets for that approach from the overwhelming majority of Members of his party in both this body and the other body, they differ very much, I believe, with the viewpoint that will come from a majority of Democrats. Members can already begin to see this in some votes. We voted earlier this year when we had burdensharing day in the House, in which, during the consideration of the Committee on Armed Services bill, the gentlewoman from Colorado, the gentleman from North Dakota, the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Illinois [Mr. DURBIN], the gentleman from Texas [Mr. BRYANT], the gentlewoman from New York [Ms.

SLAUGHTER], myself and others presented a variety of amendments in which we said, essentially, that the American taxpayer should no longer have to pick up the tab for wealthy allies in western Europe and Japan, that the ending of the cold war ought to have some financial relief in it for America, that the American taxpayer was entitled not to a peace dividend but a victory dividend, not a peace dividend that celebrates a world totally at peace because as greatly as I would like to see that, we are not there, but a world where America has succeeded overwhelmingly, indisputably, in the major task we had set ourselves internationally for the past 45 years. The question was, could we make some changes in the degree of sacrifice we were asking the American people to make in that regard.

On one of the key votes, an amendment that I offered, which would have saved $8 billion, to be made up by our allies if necessary, but was to come at the President's choosing, not the amount of $8 billion, but how we reached it in western Europe, Japan, South Korea, areas where we have been spending a great deal for a very long time, where the allies are wealthy and the threat substantially diminished, particularly in Europe and Japan. This amendment lost, Mr. Speaker, but it got a significant majority of Democratic votes in this House.

It was the recipient of less than 10 percent of the votes on the Republican side. That is, we lost because a significant majority of Democrats was defeated by an overwhelming majority of Republicans. That issue is not going away. It is coming back. That is what I want to talk about today and for the next few days, the extent to which America's victory in the cold war has transformed the situation, the extent to which President Bush refuses to act on that, and the opportunity that it offers, both to the country in terms of responses to important problems and to the Democratic Party in light of the President's refusal to take advantage of it.

The United States has been spending vast sums on its military budget for many years. In percentage of our gross national product, we have greatly exceeded that of our allies on the whole. We have not spent as much of our gross national product on the military as the Russians have of theirs, but given the enormous disparity between the size of the American economy and the size of the Russian economy, a smaller percentage of ours came out to more dollars than theirs, certainly more useful dollars. People will argue about why the cold war ended as it did. That is the secondary argument. I will be glad to engage in it, but it is secondary to the fact that the cold war is over and that the United States can now, and in this has got to be the starting point for the next decade of political debate, the recognition that the United States can now substantially reduce the amount of money it spends on military defense without jeopardizing by an iota—whatever an "iota" is, I am not sure, but I know it is not very much—without jeopardizing by an iota, America's security.

□ 1740

There is a great disparity between the military spending policy that President Bush continues to advocate and reality. The President is in a bit of intellectual dilemma. On the one hand, he wants to take credit for the victory America has won in the cold war, and as the leader of this country he is entitled to do that because this country, I believe on a bipartisan basis, with the executive and legislative support and a good luck to you from the judiciary, I believe that we are together entitled to claim that victory from a series of policies which began in the late forties and with great continuity in their essentials carried on until fairly recently; but at the same time the President wants to claim credit for the ending of the cold war and indeed for America's victory in the cold war, he wants to deny the logical consequences of that, because the logical consequences are that we need not spend as much money as we have been spending.

Let us look specifically at America's military needs. The single biggest part of America's military spending for much of this past period has been in NATO. We have spent tens and tens of billions of dollars a year. We do not know exactly how much, but thanks to an amendment that was sponsored by members of that coalition I referred to earlier and the House voted for it over the administration's objection, we are starting to get some accounting of how much of the spending we are doing is on behalf of our allies.

We have spent the largest single piece of American defense spending in a mission division of that spending on protecting Western Europe against a ground attack in which the Russians led the Warsaw Pact westward.

Today, as Poland, Hungary, Czechoslovakia, now even Albania struggle to try to bring to their citizens simultaneously democracy and a decent standard of living, as nations like Poland, Czechoslovakia and Hungary grapple painfully, visibly and courageously with the terrible problems of leaving behind a totalitarian regime that has been imposed on them from the outside, debilitated their economy and degraded their societies, as they work on that struggle, we are doing as a nation very little to help them financially.

Why? Because we cannot afford today to help Poland reach democracy. We are too busy spending money protecting France and Denmark from a Polish invasion.

Now, that sounds ludicrous, except for the fact that we are doing it. The United States continues today to have in Western Europe nearly 300,000 fully armed fighting men and women. We have one of the most impressive overseas military forces in the history of the world in firepower in Western Europe today.

Why did it go there in the first place? To keep Russia, Poland, Czechoslovakia, Hungary, East Germany, Bulgaria, Albania, Romania and originally, but not for very long, Yugoslavia from attacking the West.

Why is it still there? There is no more Warsaw Pact. There is no more East Germany. It is part of Germany.

In fact, Mr. Speaker, there are Russian troops still, we are told, in Europe. That is true. They are in Germany and they are being paid for in part by the German taxpayers.

Understandably, the Russians could not take their troops out of East Germany so quickly because they have nowhere to live in Russia, given the state of the Russian economy, an economy which was disabled in civilian terms so that the Russians could compete with us militarily, and I can understand the Russians' reluctance to bring home these troops when they have nowhere to live. It is a problem for any society when you have homeless people, heavily armed homeless people running around with Kalashnikov's probably more than anybody could be asked to bear. So the Russians brought them to Germany and the Germans are paying to support those Russian troops.

Now, there are also American troops in Germany. We put the American troops in Germany to protect the Germans from the Russian troops. But who is paying for the American troops? Mostly the Americans.

So the situation today in the world is that there are American and Russian troops in Germany. The Russian troops in Germany are being supported substantially by German taxpayers. The American troops that are in Germany to protect the Germans against the Russian troops that the Germans are paying for are being paid for by American taxpayers. That is not very smart, Mr. Speaker. That is not a very good use of money.

I do not think those Russian troops who are in Germany because they have got nowhere to live back home in Russia are a terrible threat to Western Europe. I know the Polish troops are not and the Czech troops and the Hungarian troops, and in fact if at any time during the last five or seven years you had said to the people in the Pentagon, "Look, I can guarantee you that there will be no Polish, Hungarian, Czechoslovakian, East German, Bulgarian participation in any military action. If the Russians want to invade Western Europe, they will have to do it by themselves." The Pentagon would have

told you, as they have told me, "Well, that's the end of that. We have nothing to worry about."

But we still have 300,000 troops there. We still have on this very wealthy continent of Western Europe, these thriving prosperous democracies, one of the largest overseas military forces any nation has ever maintained for a sustained period of time. The only thing that has changed is that the threat against which they serve has disappeared, and I stress disappeared. Nobody believes there is a threat of a Russian-led invasion on the ground of Western Europe.

People have said, "Well, is that irreversible?"

Yes, this part is for any foreseeable future; that is, it is inconceivable that the Russians would succeed in reharnessing the Poles, Czechs, Hungarians, Bulgarians, East Germans, et cetera, into a military alliance which they would lead. Nobody thinks that is going to happen.

We are not talking now about the relative balance of power of the right and the left in Russia. For there to need to be a NATO as of old, there would have to be a Warsaw Pact as of old, and there cannot be, so that is gone.

As to irreversibility in Russia, I do not know if anybody can say. It is hard for us to predict what will go on in the Soviet Union because it is hard for them to predict. Things have gotten more democratic, but efforts to predict exactly what is going to happen with Gorbachev, you recall the story that was told in 1964 of the CIA high-ranking official who was criticized because the CIA had not predicted the very rapid overthrow of Khrushchev. He was criticized. Someone said, "You probably don't have very good sources in the Kremlin."

He said, "Yes, we do. Why do you say that?"

So they said, "Well Khrushchev got overthrown and you didn't see it coming."

His response was, "Well, Khrushchev had great sources in the Kremlin. He didn't see it coming either." Some things are not always predictable, because nobody knows, and I do not think Gorbachev can tell you exactly what is going to happen.

But whether or not Gorbachev stays in power, the degree of democracy in Russia is important to the Russian people. We should be doing what we can to influence that in the democratic direction.

But it is one thing to say that we cannot predict whether or not there will be more or less repression in Russia. It is another to say therefore there may be a return to full-blown military strength of the Warsaw Pact. That is simply nonsense. That cannot happen, and that is why we have NATO.

Remember, NATO exists generally outside the strategic balance. NATO was not to deter the strategic war between America and Russia. It was to protect our European allies against an attack by the Warsaw Pact. There is no more Warsaw Pact.

And of course, we have European allies now which are collectively, the European NATO countries, larger than the United States, as wealthy as the United States and fully capable of defending themselves.

Then let us look at the military balance in the United States vis-a-vis the Soviet Union. We have not yet reached a point where we can completely relax vis-a-vis the Soviet Union. I think we are rapidly approaching it, but nations are entitled to a margin of safety, and I think we should maintain that. I think we should maintain our nuclear submarines which prowl the oceans undetected by the Russians, with their MIRV warheads, a B–1 bomber set with a cruise missile, a Minuteman missile in the silo, that is more than enough to deter any rational Russian, especially today, from starting a nuclear war, a nation of the Soviet Union which has been weakened substantially by a degree of internal dissention that is far worse than anything we have seen in this country for 125 or 135 years.

□ 1750

So, realistically, we can reduce by a very substantial amount the tens of billions we spend every year to protect Western Europe against a ground attack. We can also jettison things like the B–2 bomber, the MX, and Midgetman missiles, those weapons which were intended to continue to expand our nuclear delivery capacity vis-a-vis a Soviet Union which was arguably expanding its nuclear capacity.

We can scale down substantially the SDI, the strategic defense initiative that was to protect us against thermonuclear attack which was, frankly, never realistic. That notion of the overarching shield in the sky was the product of one of the few genuinely creative moments Ronald Reagan ever had when he made that thing up. George Bush says he still wants an SDI because, for political reasons, he has to keep faith with that concept of the President. But if you look at George Bush's as opposed to Ronald Reagan's SDI, they are very different. The Bush one is more realistic, except for the money they want to spend.

So we can save substantially in that area. Let us look at the rest of the world.

Let us look at Japan. Today, as we stand here, the United States is spending, according to the latest figures I have seen, $5 billion a year over and above what the Japanese reimburse us for to defend Japan. As against what? Nobody thinks that Japan today faces any substantial military threat, and that includes in the "nobody" the Japanese. The Japanese are more afraid of an invasion of Mutant Ninja Turtles than they are of an attack by the Soviet Union or China.

All the Japanese are afraid of with regard to the Soviet Union and China is that somebody might beat them to the punch in developing the markets.

If the Japanese were really frightened of that, then I would expect them fully to fund the American military presence there because I think that is what the solution ought to be. We ought to say to our friends, as they are a friend, the Japanese, and I think one of the things about which America can be very proud is the role America played in the evolution of Japan to the position it has today.

After World War II the United States occupied Japan and, in a very, very generous set of policies, helped the Japanese find themselves economically and politically. Japan is today an extraordinarily prosperous and successful nation with a functioning democracy of which the Japanese are entitled to be fully proud. And is it they who are entitled most of all to be proud; nations do not have that done for them, they do it themselves. The Japanese have done it for themselves.

But to the extent that America can have an influence, it is in the right direction.

We should nuture that relationship.

But to subsidize the Japanese by $5 billion a year on our military against nonexistent threats to them is, again, very stupid. This is a policy that dates from 1960.

NATO was from 1949. The fundamental fact in the American national security today is cultural lag. We cannot get adjusted to current realities.

NATO, in 1949 we started it, and it was a very good idea then, and it was necessary for most of its life. It has outlived its usefulness. In fact, in 1989, when NATO had its 40th anniversary, I wanted to send all of our NATO allies telegrams that said, "Happy Birthday. Now why don't you get out of the house and live on your own? Uncle is getting tired of picking up all these tabs." With regard to the Japanese, what made sense in 1960, a heavy American subsidy of their defense against the Communist menace is no longer sensible, for two reasons: First, they are not menaced by the Communists; second, they can afford to pay for whatever defense they need.

I do not mean by this to urge the Japanese to rearm. I do not believe they should rearm.

If I lived in Japan, I would not vote for that.

I also think that would be destabilizing. I also think the Japanese are too smart to rearm. They understand one of the great advantages thay have had in the world is that the United States was spending six times its GNP on the military than they were, in percentage terms. That has been one of the rea-

sons the Japanese have been able to do so well in the civilian economic area. Having your No. 1 economic competitor bogged down by a need to spend six times as much as you in a relatively unproductive form of expenditure, that is, national defense, unproductive in terms of your ability to compete in the world with civilian goods, that is a great boon. The Japanese are not about to give that away.

So, I think it is a false argument to say, "Well, if we cut back the Japanese, they will rearm." What the Japanese should do instead is compensate us dollar for dollar for every bit of defense we provide for them.

Now, people said, "you know, we can't have that, that would make America into mercenaries." Well, I disagree with that. Fundamentally, a mercenary is someone who puts his gun out for hire to the highest bidder. Mercenaries need no common moral purpose. When you read Soldier of Fortune magazine—I am told—there are people who hire themselves out. They do not always inquire into the moral purposes of the people who are going to hire them. Certainly, that is not the role of mercenaries through history. I do not know that the Hessians preferred King George to George Washington on philosophical terms. I do not know that they were monarchists as opposed to Lockeans.

He had more money to pay them. It does not make America mercenaries if we put our military might at the service of people with whom we share a moral purpose but ask them to help pay for it. I do not think the American troops in the gulf were mercenaries because in the end the rest of the world, for once and what I hope will be a precedent, deferred or defrayed the cost, so it did not cost the American taxpayers disproportionate amounts.

Besides which those who say we should not be mercenaries are not saying that the Americans, American forces, should not go to the defense of other nations. The choice is not between being a mercenary and staying home. The choice is between being a mercenary and being stupid. Because what they say is, "Well, we can't accept money for doing that. Let's do it for nothing."

I do not understand the moral superiority of borrowing money to do it rather than asking very wealthy nations to pay for it if they can. And the Japanese can, if they feel threatened.

My guess is that if we said to the Japanese, "We would like you to pay us dollar for dollar for the military protection we are supplying to you on the islands of Japan," they would suddenly feel less threatened. I am using good conservative economics here.

When people get a good for free, they will use a lot more of it than if they have to pay for it.

My guess is the Japanese feel a lot more threatened when they get Americans for virtually nothing than if they were going to have to pay for the Americans they were getting for nothing.

Now, the Japanese are paying something. By vote of this House a year ago in an amendment sponsored by the gentleman from Michigan, the chief deputy whip, we forced them to increase some. And they have increased it. It was over the objection of the President, who thought it unseemly of us to ask a very wealthy nation to help defray the cost we incur in protecting them. Fortunately, the President's position was not agreed to, and we are getting some more.

But the Japanese say, "Well, we are paying what the 1960 treaty requires." But that was 1960, this is 1991. Russia, China, Japan, they were all very different in 1960. We were different. We did not have such enormous deficits.

That also applies to South Korea. The South Koreans have 43,000 American troops. They do face more of a threat. The North Korean Government is run by people of a sort whom I would feel safe to say they could not even drive cars much less run countries.

But South Korea is bigger than North Korea, has a better economy than North Korea. There is no reason why 43,000 American ground troops should be there. The promise of American air and sea support if they were to be attacked by North Korea, I am all for that. A couple of thousand ground troops, as an earnest of that, very good idea.

But 43,000 troops and all that costs us year after year? We got it down to 36,000 after a lot of pressure from here, over the President's reluctant agreement.

By the way, the North Koreans used to be more threatening, it seems to me, when they had Russian and Chinese support. They do not have it any more.

The Russians and the Chinese have largely backed away from the North Koreans, who continue to be brutal and unattractive and threatening people.

But their capacity to overwhelm South Korea on their own without Chinese and Russian support is not what it used to be. And there is no need for us to keep 43,000 troops there.

Now, we have bases in the Philippines. I am prepared to offer American economic assistance to the Philippines. My argument is not that America should not be providing aid to other countries. We do not do enough to help the Latin American countries with their debt problem in a way that would help democracy. We contribute to the discrediting of democracy now because we identify democracy with the degree of very unpleasant austerity in the minds of some people.

We ought to do a great deal more to help the starving people of Africa. Let me say in this context that I am proud of the statements that were made—I do not agree with all of them—but proud of the thrust of the statements the gentleman from Texas, who preceded me, made when he talked about the terrible problems of starvation, malnutrition, and hunger in Iraq. And, yes, I think we should be doing more to alleviate the plight of innocent human beings, young children and others in that country.

So this is not a plea for isolationism, but it is a plea for in fact saving money on our national security expenditures so that we have more to help among others in the foreign policy field.

□ 1800

The Philippines, if they need some money, let us talk about that. But we are in this unseemly fight now in which we are insisting that the Philippines; let us protect them, and let us pay them for the privilege. It destabilizes Filipino politics, and it makes no sense.

What are they out there for? We used to be out in the Philippines because the Russians had this major base in Vietnam. They do not have it anymore.

Cultural lag, Mr. Speaker; that is the hallmark of American military policy today. We were so successful at defending so much of the world against the Communist threat that the fact that that threat has substantially diminished, in large part because of our successes, does not persuade the people in the White House that the time has come to save the money, and that can be talked about elsewhere.

Mr. Speaker, I do not say we should pull back entirely the United States. I want us to have the nuclear deterrent I described before. I want us to have air and sea power stationed in various parts of the world so that we can help South Korea deter attacks from North Korea. I think we ought to continue to have a continued military presence in the Persian Gulf. We ought to have the capacity to send a couple hundred thousand troops places. But we do not need what we have today.

Mr. Speaker, what we have today gives us the capacity to do that plus station large fixed forces in western Europe, and Japan, and in South Korea, and in the Philippines and elsewhere. Let us diminish that capacity.

If the Pentagon will come in and say, "Here's what we need in terms of some forces stationed overseas, air and sea power dispersed, some central forces in reserve so that we can meet these trouble spots," that is fine. Now let us keep a deterrent. I am convinced we can do it for half of what we are now spending, $50 billion rather than $300 billion.

It cannot be, Mr. Speaker, that the collapse of the central military enemy of the United States during the postwar period, the collapse of that enemy, has virtually no fiscal consequences to the United States. Either we were spending way too little a few years ago,

but we are spending way too much now, and those who want to argue that we are spending way too little have to explain how come then we were so successful. Because we have not only been successful in persuading that Soviet Union to change, but in the one test of arms with an enemy after the Soviet Union, Iraq, we were overwhelmingly successful, beyond anybody's explicit predictions.

Mr. Speaker, we were told Iraq was the fourth largest army in the world. But the fourth largest army in the world did not last 2 or 3 days with the United States. Our air superiority was total. The United States, which is capable of doing what it did in Iraq, is one that can cut its military spending in half over the next 3-year period and not be in any way, shape or form threatened.

Now let me address here the argument, Mr. Speaker, of those who said, "Oh, yeah, but how did we get that way? By all that we spent in the 1980's," and I want to particularly address those who say that the very victory in Iraq and the victory in the cold war demonstrates how correct some of these military spending policies were. Some of them, yes. Remember there has been a consensus in the United States since the days of Harry Truman in NATO. There was a consensus that the United States should be doing what it has been doing. Overwhelmingly both parties, Presidents, Members of Congress of both parties, supported NATO. NATO was not controversial except early on among some of the isolation wing on the Republican side, but that is a phase of the Republican Party that has long since been left behind in history.

From NATO through the decision by Jimmy Carter to respond in Afghanistan there has generally been a very high degree of consensus when it came to an American military response against the Soviet Union. We argued over the margins. I will say, yes, that I think during the 1980's some people on the other side, and President Reagan in particular, and then George Bush, overspent. I do not think we ever needed the B–2 bomber, the mobile missiles. Those were the days of the six-sided triad, the triad of land, sea and air. We have nuclear submarines in the sea, the best place for submarines. We have a land-based missile of considerable accuracy. We have intercontinental nuclear bombers, the B–52 replaced by the B–1 with cruise missiles. We never needed, it seemed to me, strategically all the extras.

In fact, Mr. Speaker, those who argue that Iraq showed that big spenders of the Pentagon were absolutely right are in fact wrong. The big-ticket items over which we argued in the 1980s were not used in Iraq. Not only did we not use the B–2, obviously in Iraq we did not even use the B–1. We used the obsolete B–52. We were told how obsolete it was. We needed the B–1, the B–2. God knows how many B's they would have argued for if we had not won the cold war before they could reach it, and the B–52 turned out to be perfectly serviceable in Iraq.

The weapons used in Iraq, the high-tech, nonnuclear weapons were weapons that were overwhelmingly supported on both sides, in the House and in the Senate, during the 1970s and 1980s. The Patriot missile was not something that was fought by the left and supported by the right, killed by the Democrats, saved by the Republicans. The fighters that we used; that is simply not reality. What we used to win the war in Iraq represented the noncontroversial consensual parts of America's military budget. The parts over which we fought, Ronald Reagan's pie in the sky in the Strategic Defense Initiative, B–2, the MX, those very expensive weapons; those were not relevant to Iraq, as they are not relevant in other ways to the Soviet Union.

So, the argument, I think, is fairly clear. One can read the President's own speeches when he has been here a couple of times this year. He has talked about our victory in the cold war.

The question is: If we have won the cold war, as we have, how come we cannot save very much money? How come it turned out that we have to spend the same amount of money, having won the cold war, as we spent before?

Well, there are a couple of arguments. One, as I said, was that we cannot be sure the Russians will not revert once again to that level of threat.

Well, my conservative friends have always told me, and I did not argue, "You have to look at the capability of your enemy, not your intentions."

A little bit of a logical problem there because we have got to look at their intentions to decide if they are the enemy. I mean, when we looked at the rest of the world, decided on our military needs, we never assumed that the British and the French were going to attack us, so the British and the French we judged on their intentions, not their capabilities. I guess once one has bad enough intentions, we sort of swing into capability judgment.

Well, let us look at the Russians' capabilities. They "ain't" much today. This is a country that is in severe difficulty. An army of Russians, which includes people from the Baltic States, Assyris, and Armenians who hate each other, Georgians, Moldavians, people in revolt against central authority; it is not a great threat to a superpower like us. It is for a small nation, but not to a superpower, and we are the only superpower today. So, the likelihood that the Russians are going to be able to come back seems to me to quite slender, especially since nobody believes that what happened in eastern Europe is reversible.

People have said, "Oh, you're saying this is irreversible." Yes, let us proclaim the defection of the nations of the Warsaw Pact from Soviet military allegiance is irreversible. I am prepared, as I said before, to concede that given one reading of the history of Transylvania. The Ceausescus might come back to live in a particularly unattractive form. But I do not think that will be a military matter, and so the argument that we have got to keep up roughly the same level of spending because the cold war may come back is nonsense.

But then we were told, "Well, gee, you've got to deal with situations like Iraq." Well, the answer is that we dealt with an Iraq situation very swiftly while we were still dealing with the rest of the world.

The fact is that an America ready to deal with trouble spots the equivalent of Iraq is an America that can cut its military spending prudently in half over 3 years and still be the largest nation in the world partly, Mr. Speaker, because we have a right to say that one thing has changed, and here is one of the major attitudinal differences between the Democrat and Republican Parties. It was not inherent in the nature of ideology that this be the case, but that is the way it has worked. I would suggest later that I think there were some ideological situations for it. It is generally the Republican position that it is the United States obligation to do all this. If the rest of the world wants to chip in, that is fine. But we will promise them that we will do it whether they are there or not, that America will take it on, that America will spend the money, that the American taxpayers will be there. They call it, Mr. Speaker, the price of leadership, and it is the highest price in the world today. The price of leadership for the United States apparently is well over $100 billion a year on military expenditure to make the rest of the world feel better because, if one looks at our allies in Europe, if we look at our allies in Asia, if we ask them to make a 10- or a 15-percent increase in what they have been spending militarily, they can make up for our own losses. Instead, of course, they intend to cut even further than we do, and that is the funamental question: Is there an obligation on the part of the United States, now that we have helped nurture our allies to full strength, to continue to shoulder the burden for them?

□ 1810

Do we have some obligation to continue to spend six times as much as the Japanese on military defense because it is a defense that includes them and us? Do we have an obligation to spend twice as much as our European allies on the average? Do we have that obligation?

Now, I have said the first potential argument for our keeping up our spending militarily was that, well, we might have a resurgence of the Communist threat. That really is not what anybody seriously thinks.

The second argument, the one that I think is what really motivates the President and his Republican allies, is that this is the price of leadership; the price of leadership is to say to the American taxpayer, "You have got to continue to borrow and borrow and put your tax earnings behind that borrowing so that America can maintain this worldwide military network in which we spend far more than nations of a comparable degree of wealth so that we can be their leader."

Mr. Speaker, I think that fails as rational policy on a number of grounds. In fact, as we continue to spend unnecessarily militarily, we hinder our society from achieving far more important goals today. We have won the military race. We have not been doing nearly as well in the civilian race, and to continue this policy is to continue to lose leadership.

Let me say that leadership as a concept is one that I am a little distrustful of in the abstract. I would like America to be the leader in health. I would like us to be the leader in reducing childhood mortality. I would like us to be the leader in affordable housing. I do not think I agree with the kind of leadership the President is talking about as the primary goal, a leadership in which other nations defer to us in some foreign policy questions, in return for which we spend vast amounts of money and disable ourselves from dealing at home.

With that, Mr. Speaker, I will wind this up now and return to it tomorrow. That is the attitudinal question I want to address, because I think it is fairly clear that militarily there is no justification for us to be spending at the level we are now spending and project what we are going to spend. That is especially the case if we factor in the need for our allies to contribute.

In other words, Mr. Speaker, I think we can afford to spend less and still be secure and have our allies still be secure. If they doubt us, they can still spend. I am not telling them they cannot spend more. I think we can spend less. I think they could spend more if they have to. I predict that they will not because they are not really so afraid of the great unknown out there. They just figure that if we are going to pick up the tab, why not? If we think that is the way we can be the leader, they will play along with that. They will even insist that we do that. The Japanese see no inconsistency in telling us on the one hand to reduce our deficit and on the other hand insist that we continue to spend money to subsidize their defense against threats that they no longer fear, because they would rather have it than not have it if it does not cost them anything.

So the question then is, In the absence of military necessity, why do we continue to spend? I think if we look at the Reagan and Bush policies, not just in military spending but in trade and other areas, what we see is the decision by them that the most important goal is for the United States to continue to buy a leadership role in the world, primarily through military spending, but also by putting our own economic interests second in other areas. That, I think, is becoming the defining difference between the parties. It has not yet reached fruition, but I think it is there. If we look at the votes on burden-sharing, if we look at questions like most-favored-nation treatment for China, we may ask, why is the President so insistent on most-favored-nation treatment for China? Does anyone think it is because of trade? I do not think so. The Chinese do not believe in buying things. This is hardly a free enterprise economy. They have a very mercantilistic approach. George Bush believes that it will enhance America's political influence in the world if we give most-favored-nation treatment to China, but it will undoubtedly result in great economic advantage to the Chinese and no great economic advantage to us. In fact, on the whole, for a while it will result in economic disadvantage to America as a society. But that is an example of the approach they take.

So this is the approach both with trade, where America's economic interests are really put somewhat second to our political interests in the world, and in the military area, where we continue to spend at a level unjustified by military necessity to make our allies happy. And that is what we are told, by the way, about Europe, that we have to spend this money to reassure our allies. We are told that we have to keep the troops in Japan to reassure the Japanese, that we have to keep our troops in South Korea to reassure the South Koreans.

Mr. Speaker, how come nobody ever reassures us? How come we always reassure everybody else, and how come, when we reassure them, it always costs us billions of dollars? Why can we not be friends? Why can we not reassure each other mutually and inexpensively?

We hear the argument that America must continue to spend at virtually our current levels and only gradually reduce, and reduce to a level that will still be too high. George Bush says, "OK, I don't need that many troops in Europe. I need 200,000 troops in Europe."

Mr. Speaker, I do not know an adult who can tell me what 200,000 American troops are going to be doing there in 2 years or 3 years or next month. But George Bush wants to keep them there because they will help enhance America's leadership.

I will return later this week, Mr. Speaker, and that is a prospect I know you can bear with equanimity since you will not be in the chair, and I will elaborate on what I think the answers are to these questions.

COMMEMORATING THE 10TH ANNIVERSARY OF THE "I HAVE A DREAM" PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 60 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to an enormously successful education program which has made a real difference in the lives of thousands of American youngsters: The "I Have a Dream" Program founded by Eugene Lang.

The "I Have a Dream" program combines a comprehensive early intervention program to ensure that disadvantaged youngsters remain in school and succeed at their studies, and an early guarantee of student aid to provide them with the means of attending college. It has been recognized around the Nation as a uniquely successful approach to motivating students and ensuring that they complete their studies. In fact, at this point, almost 200 individuals are sponsoring 141 projects in 41 cities.

The program was founded in 1981 when Eugene Lang adopted the entire sixth grade of his original alma mater, P.S. 121 in Harlem. He promised to send these youngsters to college if they stayed in school and earned their high school diplomas. However, recognizing that the odds were stacked against many of these inner city youths, Mr. Lang also developed and implemented a comprehensive early intervention program to assist them in overcoming the many obstacles they faced.

This early intervention program proved uniquely successful in large part because of the intensive personal attention to students by their highly motivated and caring sponsor, Mr. Lang. In fact, 10 years later, more than 90 percent of those who began the program have achieved high school diplomas or GED certificates, and more than half of them are attending college.

Across the Nation, other concerned individuals have joined in showing youngsters this same type of caring and personal attention. As a result, almost 10,000 children have benefited from this invaluable program, which helps them to become productive citizens and gives them the strength to make their dreams realities.

Today, in New York City, more than 300 "I have a Dream" sponsors and program participants have convened for their annual convention—which is also a 10th anniversary celebration. On this occasion, I believe it is extremely important for Congress to express its congratulations to the program's founder, Mr. Lang, and to its many participants. They are true foot soldiers in the battle to save our Nation's children—and our Nation's economy.

In this spirit, I would like to enter into the RECORD at this point a letter which was re-

cently sent by 20 members of the Education and Labor Committee to Mr. Lang, commending him on his extraordinary accomplishments in creating this program and replicating it around the Nation.

I know that all Members of Congress—and all concerned citizens—join in wishing the "I Have a Dream" Foundation the very best on this very important occasion. Certainly, if our Nation is to help our Nation's children transform their dreams into realities, it will be through the good works of enormously effective groups such as the "I Have a Dream" Program.

It will also be through the generosity and commitment of leaders such as Eugene Lang. I have known Eugene Lang personally for many years and he is deeply compassionate, visionary, and hardworking. Our Nation must not only replicate the "I Have a Dream" Program, but we must also find more leaders who are as forward-looking and results-oriented as Eugene Lang.

Mr. Speaker, I submit the full letter sent by the Education and Labor Committee to Eugene Lang and the "I Have a Dream" Foundation for printing in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 1991.

Mr. EUGENE LANG,
"I Have a Dream" Foundation, 100 East 42nd Street, New York, NY.

DEAR MR. LANG: As Members of the House Education and Labor Committee, we are writing to commend you for your outstanding work to increase the educational opportunity for disadvantaged students in the United States.

We are deeply grateful to you for creating the "I Have a Dream" program, which will shortly celebrate its tenth anniversary. This program has been uniquely successful in offering newfound hope to our nation's disadvantaged students. As a result of this program, more than 10,000 children in 41 cities have beaten the odds by completing high school and using an "I Have a Dream" scholarship to attend college and pursue their dreams.

Your concern and generosity, as well as that of the other special people who are involved in the "I Have a Dream" program, is exemplary and has helped this program achieve its enormous success. It is the personal intervention of caring individuals such as yourself which has helped the "I Have a Dream" program make a lasting difference in the lives of so many young people.

The unique success of this program has been an inspiration not only to the many children you have helped, but to all of us. You have demonstrated how one citizen can make an enormous contribution to the lives of countless others. Your creativity, commitment, and perseverance has significantly expanded opportunities for our youth. Further, it is helping our nation create the skilled workforce we need to remain competitive in the 21st Century.

The "I Have A Dream" program has also demonstrated the important role of private sector initiatives in improving education and increasing opportunity for our young people. We are hopeful that the comprehensive program will inspire other members of the business community to develop similar programs.

Again, we wish to congratulate you on 10 years of remarkable success. You, along with everyone else involved in "I Have a Dream," should be very proud of all the good work you have accomplished. We hope that "I Have a Dream" program will continue to grow and flourish.

Sincerely,

Nita M. Lowey, Tom Sawyer, Charles A. Hayes, Robert E. Andrews, Dale E. Kildee, Jack Reed, William D. Ford, Pat Williams, Tim Roemer, Patsy T. Mink, Tom Petry, Carl C. Perkins, Jolene Unsoeld, Major Owens, Bill Clay, Steve Gunderson, Donald M. Payne, Tom Coleman, Susan Molinari, and George Miller.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. KLUG (at the request of Mr. MICHEL), for today, on account of official business.

Mr. SKELTON (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 60 minutes, today.

Mr. FRANK of Massachusetts, for 60 minutes each day, on June 26, 27, and 28.

Mr. FALEOMAVAEGA, for 60 minutes, on June 25.

Mr. ANDREWS of New Jersey, for 5 minutes, on June 26.

Mr. LIPINSKI, for 5 minutes each day, on July 9, 16, 23, and 30, and for 60 minutes each day, on July 10, 17, 24, and 31.

Mr. GONZALEZ, for 60 minutes each day, on July 8, 11, 15, 18, 19, 22, 25, and 26.

Mr. OWENS of New York, for 60 minutes each day, on July 22, 23, 24, 25, and 26.

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of California, for 60 minutes each day, on June 24, 25, 26, and 27.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, today and on July 10, 11, 16, 17, and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. DAVIS.
Mr. BROOMFIELD.
Mr. LAGOMARSINO.
Mr. HORTON.
Mr. PORTER in two instances.
Mr. DICKINSON.
Mr. MCEWEN in two instances.
Mr. COUGHLIN.
Mr. MCDADE.
Mr. FAWELL in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. ROSTENKOWSKI.
Mr. DE LUGO.
Mr. NEAL of Massachusetts in two instances.
Mr. SOLARZ.
Mr. LANTOS.
Mr. SCHEUER.
Mr. VENTO.
Mr. MATSUI.
Mr. STOKES.
Mr. MCCURDY.
Mr. TORRICELLI.
Mr. FAZIO in two instances.
Mr. ROE.
Mr. JONES of North Carolina.
Mr. FORD of Michigan.
Mr. MURTHA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 249. An act for the relief of Trevor Henderson; to the Committee on the Judiciary.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 25, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1601. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting a report on reimbursement for blood clotting factor for hemophilia patients under part B of title XVIII of SSA, pursuant to Public Law 101-239, section 6142 (103 Stat. 2225); to the Committee on Ways and Means.

1602. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the training and audiovisual services at Fort Rucker, AL, has resulted in a decision that contract performance is more cost effective, pursuant to Public Law 100-

463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1603. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the commissary storage and warehousing function at Fort Rucker, AL, has shown that an in-house operation is the most cost efficient, pursuant to Public Law 100-463 section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1604. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the Commissary and storage warehousing function at Fort Jackson, SC, has shown that an in-house operation is the most cost efficient, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1605. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1606. A letter from the Chairman (Pension Committee), Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan report for the plan year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1607. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize executive agencies to establish more than one supply source for a particular commodity or service; to the Committee on Government Operations.

1608. A letter from the Inspector General, General Servcies Administration, transmitting a copy of the audit report register, including all financial recommendations, for the 6-month period ending March 31, 1991; to the Committee on Government Operations.

1609. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the annual report entitled "Smithsonian Year 1990"; to the Committee on House Administration.

1610. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the Proceedings of the Judicial Conference of the United States held on March 12, 1991, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

1611. A letter from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes; to the Committee on Post Office and Civil Service.

1612. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend Title 49, United States Code, to impose a 1-year moratorium on rate tariff filing requirements for motor common carriers of property, and for other purposes; to the Committee on Public Works and Transportation.

1613. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend the Interstate Commerce Act to modify the Interstate Commerce Commission's regulatory responsibilities over the trucking industry, and for other purposes; to the Committee on Public Works and Transportation.

1614. A letter from the U.S. Trade Representative, transmitting a report entitled "Year-End Review, 1990" of the Defense Policy Advisory Committee on Trade; to the Committee on Ways and Means.

1615. A communication from the President of the United States, transmitting the annual report on international activities in science and technology for fiscal year 1990, pursuant to Public Law 101-339, (104 Stat. 384); jointly, to the Committees on Foreign Affairs and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judicary. H.R. 1998. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities. (Rept. 102-122). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 2332. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; with an amendment (Rept. 102-123). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 1341. A bill to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to a reduction in force; with an amendment (Rept. 102-124). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 543. A bill to establish the Manzanar National Historic Site in the State of California, and for other purposes; with an amendment (Rept. 102-125). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 848. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; with amendments (Rept. 102-126). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1448. A bill to amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes; with an amendment (Rept. 102-127). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 14. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; with an amendment (Rept. 102-128). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 181. Resolution waiving certain points of order during consideration of H.R. 2699, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-129). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS:

H.R. 2729. A bill to authorize the Secretary of Transportation to redesignate the numerical designation of certain Interstate System highway routes, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROSTENKOWSKI:

H.R. 2730. A bill to amend the Internal Revenue Code of 1986 to simplify provisions applicable to qualified retirement plans and to expand access to such plans; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. SCHIFF):

H.R. 2731. A bill to amend section 2680(c) of title 28, United States Code, to allow Federal tort claims arising from certain acts of customs or other law enforcement officers, and to amend section 3724 of title 31, United States Code, to extend to the Secretary of the Treasury the authority to settle claims for damages resulting from law enforcement activities of the Customs Service; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2732. A bill to extend until January 1, 1995, the suspension of duties on certain glass fibers; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2733. A bill to provide for immediate delivery of small denomination U.S. savings bonds available to the public at the point of purchase; to the Committee on Ways and Means.

H.R. 2734. A bill to provide for immediate delivery of U.S. savings bonds available to the public at the point of purchase; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. ANDREWS of Texas, Mr. MCGRATH, Mr. ANTHONY, Mrs. KENNELLY, Mr. ARCHER, and Mr. THOMAS of California):

H.R. 2735. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation applicable to regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDADE:

H.R. 2736. A bill to authorize additional appropriations for the purposes of the Steamtown National Historic Site in Scranton, PA; to the Committee on Interior and Insular Affairs.

By Mr. MCDERMOTT (for himself, Mr. MILLER of California, Mr. CAMPBELL of Colorado, Mr. RHODES, and Mr. JOHNSON of South Dakota):

H.R. 2737. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

By Mr. MACHTLEY:

H.R. 2738. A bill to amend title 38, United States Code, with respect to benefits for individuals who may have been exposed to ion-

izing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MANTON:

H.R. 2739. A bill to amend the Coastal Zone Management Act to prohibit the authorization of, or to operate any vessel on, the coastal waters to provide criminal detention or imprisonment facilities; to the Committee on Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 2740. A bill to amend the Internal Revenue Code of 1986 to provide for a simplified method of allocating expenses in case of use of a residence in providing day care services; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 2741. A bill to direct the Attorney General to establish in Lake County, IN, an office of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. WOLF, and Mrs. BENTLEY):

H. Con. Res. 173. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Public Works and Transprotation.

By Mr. SOLARZ:

H. Con. Res. 174. Concurrent resolution concerning relations between the United States and the People's Republic of China; jointly, to the Committee on Ways and Means and Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 180. Resolution expressing the sense of the House of Representatives that the United States should act on an emergency basis to lift the economic embargo of Iraq; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. YOUNG of Alaska, Mr. JONES of North Carolina, and Mrs. UNSOELD):

H. Res. 182. Resolution to express the sense of the House of Representatives that the Secretary of State should encourage the European Commission to vote to ban all large-scale drift net fishing by all European Community fishing fleets; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

197. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to the crisis in the Midwest dairy industry; to the Committee on Agriculture.

198. Also, memorial of the House of Representatives of the State of Florida, relative to Homestead Air Force Airbase; to the Committee on Armed Services.

199. Also, memorial of the House of Representatives of the State of Maine, relative to Loring Air Force Base; to the Committee on Armed Services.

200. Also, memorial of the House of Representatives of the State of Michigan, relative to the automotive industry; to the Committee on Energy and Commerce.

201. Also, memorial of the House of Representatives of the State of Illinois, relative to Social Security benefits; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. BEILENSON, Ms. KAPTUR, and Mr. CAMPBELL of Colorado.

H.R. 47: Mr. JEFFERSON and Mr. CAMPBELL of Colorado.

H.R. 112: Mr. HEFLEY.

H.R. 179: Mr. JONES of Georgia.

H.R. 194: Mr. TOWNS.

H.R. 318: Ms. MOLINARI, Mr. GUARINI, Mr. HORTON, and Mr. WOLPE.

H.R. 583: Mr. WISE.

H.R. 650: Mr. GIBBONS.

H.R. 673: Mr. PERKINS, Mr. SMITH of Florida, Mr. MARTIN, Mr. LIPINSKI, Mr. BREWSTER, Mr. VENTO, Mr. CONYERS, and Mr. WASHINGTON.

H.R. 776: Mr. WISE.

H.R. 777: Mr. WISE.

H.R. 778: Mr. WISE.

H.R. 779: Mr. WISE.

H.R. 780: Mr. WISE.

H.R. 830: Mr. ESPY.

H.R. 951: Mr. BENNETT, Mr. ECKART, Mrs. JOHNSON of Connecticut, and Mr. GEJDENSON.

H.R. 967: Mr. GAYDOS.

H.R. 1022: Mr. BRYANT, Mr. ENGEL, and Mr. MRAZEK.

H.R. 1092: Mr. RAHALL and Mr. MCEWEN.

H.R. 1110: Mr. HUGHES.

H.R. 1130: Mr. YATES.

H.R. 1147: Mr. YATES, Mr. FROST, Mr. TORRICELLI, Mr. HYDE, and Mr. ARMEY.

H.R. 1367: Mr. WEISS, Mr. TAYLOR of Mississippi, Mr. HOCHBRUECKNER, and Mrs. BOXER.

H.R. 1400: Mr. GILLMOR, Mr. LEWIS of Florida, Mr. NICHOLS, Mr. HAMMERSCHMIDT, Mr. SCHAEFER, Mr. STEARNS, Mr. CHANDLER, and Mr. JOHNSON of Texas.

H.R. 1429: Mr. MCCRERY, Mr. SUNDQUIST, and Mr. LAGOMARSINO.

H.R. 1453: Mr. MATSUI and Mr. ENGEL.

H.R. 1472: Mr. LIGHTFOOT, Mr. TRAFICANT, Mr. CRAMER, Mr. TAUZIN, Mr. STALLINGS, Mr. OXLEY, and Mr. SOLOMON.

H.R. 1489: Mr. JONES of North Carolina.

H.R. 1527: Mrs. UNSOELD, Mr. DICKS, Mr. SKEEN, and Mr. SAWYER.

H.R. 1556: Mr. MOODY.

H.R. 1557: Mr. ZIMMER, Mr. MARTIN, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. HOUGHTON, Mr. STUDDS, Mr. HEFLEY, and Mr. FOGLIETTA.

H.R. 1601: Mr. MAVROULES.

H.R. 1677: Mr. ESPY.

H.R. 1703: Mr. LEVIN of Michigan and Mr. WHEAT.

H.R. 1883: Mr. WYLIE.

H.R. 1958: Mr. MRAZEK, Mr. LAFALCE, Mr. GREEN of New York, and Mr. NOWAK.

H.R. 2030: Mr. DWYER of New Jersey.

H.R. 2059: Ms. NORTON, Ms. KAPTUR, Mr. WALSH, Mr. LAGOMARSINO, and Mr. YOUNG of Alaska.

H.R. 2115: Mr. DOOLITTLE.

H.R. 2235: Mr. ESPY.

H.R. 2242: Mr. RICHARDSON, Mr. BRYANT, Mr. DELLUMS, Mr. DURBIN, Mr. SWETT, Mr. WILLIAMS, Mr. FROST, and Mr. BRUCE.

H.R. 2280: Mr. INHOFE.

H.R. 2336: Mr. PETERSON of Florida, Mr. WOLPE, Mr. ROHRABACHER, Mr. ANDREWS of Maine, and Mr. WASHINGTON.

H.R. 2361: Mr. SOLOMON.

H.R. 2393: Mr. DWYER of New Jersey.

H.R. 2394: Mr. DWYER of New Jersey.

H.R. 2452: Mr. LAFALCE and Mr. LEVIN of Michigan.

H.R. 2460: Mr. HOUGHTON, Mr. LENT, Mr. WALSH, and Mr. GALLEGLY.

H.R. 2470: Mr. DOOLITTLE, and Mr. CAMP.

H.R. 2488: Mr. VISCLOSKY.

H.R. 2503: Mr. DUNCAN and Mr. POSHARD.

H.R. 2525: Mr. INHOFE.

H.R. 2553: Mr. SANTORUM, Mr. JONES of Georgia, Mr. WELDON, Mr. CRAMER, Mr. CAMP, and Mr. GILLMOR.

H.R. 2560: Mr. WISE.

H.R. 2566: Mr. TRAFICANT.

H.R. 2578: Mr. JONTZ.

H.R. 2584: Mr. LAGOMARSINO, Mr. ROEMER, Mr. PETERSON of Florida, and Mr. LANTOS.

H.R. 2675: Mr. SAXTON.

H.J. Res. 9: Mr. BEILENSON and Mr. CAMPBELL of Colorado.

H.J. Res. 11: Mr. CAMPBELL of Colorado.

H.J. Res. 23: Mr. ECKART, Mr. GUARINI, Mr. HOBSON, Ms. HORN, Mr. JEFFERSON, and Mr. MOORHEAD.

H.J. Res. 95: Mr. PAYNE of New Jersey, Mr. KOPETSKI, Mr. DICKS, Mr. CALLAHAN, Mr. MARKEY, Mr. MONTGOMERY, and Mr. WISE.

H.J. Res. 188: Mr. HANSEN, Mrs. MORELLA, Ms. LONG, Mr. WILSON, Mr. MARKEY, and Mr. SPRATT.

H.J. Res. 226: Mr. DERRICK, Mr. MOAKLEY, Mr. STUDDS, Mr. MCDERMOTT, Mr. SYNAR, Mr. SLATTERY, Mr. WHEAT, Mr. SPRATT, Mr. ECKART, Mr. CAMPBELL of Colorado, Mr. PENNY, Mr. BORSKI, Mr. TAYLOR of Mississippi, Mr. GONZALEZ, Mr. DIXON, Mr. DARDEN, Ms. SLAUGHTER of New York, Mr. SOLOMON, Mr. MCEWEN, Ms. DELAURO, Mr. WOLPE, Mr. GLICKMAN, Mr. MCMILLAN of North Carolina, Mr. SOLARZ, Mr. PALLONE, Mr. OLVER, Mr. ROE, Mr. PANETTA, Mr. HOCHBRUECKNER, Mr. BROOKS, Mr. REED, Ms. PELOSI, Mr. ANDERSON, Mr. RICHARDSON, Mr. BILBRAY, Mr. CARR, Mr. CONYERS, Mr. DEFAZIO, Mr. MAZZOLI, Mr. ANDREWS of Maine, Mr. ATKINS, Ms. MOLINARI, Mr. ENGEL, Mr. CARPER, Mr. DELLUMS, Mr. TRAXLER, Mr. KANJORSKI, and Mr. DONELLY.

H.J. Res. 228: Mrs. LOWEY of New York, Mr. JOHNSON of South Dakota, Mr. MAZZOLI, Mr. DICKINSON, Mr. YATRON, Mr. ECKART, Mr. HUBBARD, Mr. KOLTER, Mr. GAYDOS, Mr. THOMAS of California, Ms. KAPTUR, Mr. WYLIE, Mr. STARK, and Mr. BUNNING.

H.J. Res. 255: Mr. CONYERS, Mr. KLUG, Mr. BOUCHER, Mr. HUGHES, Mr. GRANDY, Mr. FRANKS of Connecticut, Mr. LAGOMARSINO, Mr. GUNDERSON, Mrs. BOXER, Mr. ACKERMAN, Mr. BACCHUS, Mr. VALENTINE, Mr. DE LUGO, Mr. HUTTO, Mr. HANSEN, Mr. LANCASTER, Mr. MARTIN, Mr. LIPINSKI, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. LOWERY of California, Mr. MCGRATH, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. OBERSTAR, Mr. MURPHY, Mr. GAYDOS, Mr. OWENS of Utah, Mr. BLILEY, Mr. GUARINI, Mr. MOORHEAD, Mr. HASTERT, Mr. LENT, Mr. TRAFICANT, Mr. HEFNER, Mr. HAYES of Louisiana, Mr. RAVENEL, Mr. ROBERTS, Mr. ROE, and Mr. MAVROULES.

H. Con. Res. 43: Mr. WHEAT.

H. Con. Res. 170: Mr. LIPINSKI and Mr. HORTON.

H. Con. Res. 171: Mr. MILLER of Washington, Mr. MACHTLEY, Mr. DELLUMS, Mr. SCHUMER, Mr. OWENS of Utah, and Mr. HORTON.

H. Res. 131: Mr. RANGEL.

H. Res. 134: Ms. NORTON.

H. Res. 152: Mr. CAMP and Mr. GILLMOR.

H. Res. 167: Ms. PELOSI, Mr. VANDER JAGT, Mr. LEVINE of California, Mr. FORD of Tennessee, and Mr. ESPY.

EXTENSIONS OF REMARKS

A SPECIAL SALUTE TO ROBERT E. HUGHES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. STOKES. Mr. Speaker, those of us who are involved in the business of politics have found that although we belong to one political party, we often form friendships with members of the other party. During my political career, I have come to know and respect a man who does not belong to my political party. That man is Robert E. Hughes, who has just stepped down as the chairman of the Cuyahoga County Republican Party in Cleveland, OH, following 23 years of service. Just recently friends, family, and colleagues gathered to pay tribute to Bob Hughes for his significant contributions to the Republican Party and our community. I rise today to join in this salute to my good friend. At this time, I would like to share with my colleagues some of the highlights of Bob Hughes' career.

Bob Hughes grew up in Warren, OH, graduating from Harding High School. He earned a journalism degree from Ohio State University, while writing for three Columbus newspapers. Upon graduation, Bob Hughes was called to active duty with the U.S. Marine Corps. He served as a platoon leader and a company commander.

Mr. Speaker, following his military service, Bob returned to Ohio where he became a reporter for a small Ohio newspaper, and statehouse reporter for the Associated Press before going to work for General Electric.

In 1961, Bob Hughes was selected as vice chairman of the Cuyahoga County Republican Party in Cleveland. Later, he became cochairman of the Cuyahoga County GOP, chairman of the executive committee, and finally, chairman of the board of elections. In 1975, Bob Hughes was elected chairman of the central committee and was made sole GOP chairman. His contributions to the Republican Party are immeasurable and will certainly be missed.

Mr. Speaker, Bob Hughes has also worked diligently to improve the quality of education in northeastern Ohio. He devoted his efforts to Cleveland State University; expanding the campus, bringing it into the State university system, and serving 8 years on the board of trustees. In addition, he contributed to the development of Cuyahoga Community College.

Bob Hughes has also played an integral role in Cleveland's downtown development. He is credited with assisting in the improvement of Cleveland's lakefront; the renovations of Public Square and Playhouse Square in downtown Cleveland, and financing the expansions of Mount Sinai, University and Hillcrest Hospitals, and the Cleveland Clinic.

Lastly, Bob Hughes has donated his time and talents to several banking institutions. He has served on the board of directors for Ohio Savings Association and American National Bank.

Mr. Speaker, Bob Hughes is a committed individual, a talented politician, and a good friend. I am certain that members of his family, including his wife, Marguerite, and their children—Tim, David, Jon, and Robin—share our pride in Bob's accomplishments over the years. His devotion to Cleveland and Cuyahoga County is unsurpassed, and I am proud to extend my best wishes to him for the future.

RECOGNIZING HUMAN RIGHTS VIOLATIONS WITHIN THE REPUBLIC OF VIETNAM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. PORTER. Mr. Speaker, as this Nation continues to heal from the scars of our involvement in the Vietnam war, we must not disregard the ongoing battle over human rights violations within the Socialist Republic of Vietnam. Our hasty withdrawal from this conflict back in 1975 ushered in a Communist Government which has repeatedly violated the rights of its southern military captives. We must not attempt to bury this painful and turbulent period in this Nation's history by turning our backs on the plight of our former allies. Instead, we must operate through diplomatic vehicles to undertake initiatives such as those used during the Persian Gulf crisis concerning the fate of the Kuwaitis and Kurdish refugees.

In a recent edition of the Chicago Tribune, columnist David Evans emphasizes the mistreatment of the Vietnamese people through the experience of a former South Vietnamese officer, Tran Duat. Mr. Evans makes a powerful argument that our upcoming diplomatic relations with the Vietnam Government should place human rights at the top of the agenda. He cites Vietnam's need for economic aid and Western investment as a leverage tool to compel this ignoble regime to recognize the basic fundamental rights of its citizens.

Accordingly, Mr. Speaker, I submit for the RECORD David Evans' account of Tran Duat's 16-year endeavor as a prisoner of war which surely serves as an example of the numerous atrocities committed by this Government and as a cue for the United States to rectify them.

The article follows:

[From the Chicago Tribune, May 31, 1991]

HUMAN RIGHTS SHOULD TOP U.S. AGENDA ON VIETNAM

(By David Evans)

WASHINGTON.—Abraham Lincoln's postwar policy of "malice toward none" has been turned on its head by the communist victors of the Vietnamese civil war. To this day, their policy is one of extreme malice toward those who fought for South Vietnam, especially the officers.

The tale of Tran Duat, a former major in the South Vietnamese marines, is ample reason for the U.S. government to put equal treatment for all Vietnamese, regardless of the side on which they fought in the war, on the agenda in its discussions about re-establishing diplomatic relations with this self-proclaimed "proletarian dictatorship."

Duat, who now lives in the Washington area, was a stout-hearted and fearless fighter, to say the least. It was a reputation that doubtless marked him for an extended eight-year stay in the so-called re-education camps that the communists established throughout Vietnam after their triumph.

The son of a midlevel Saigon bureaucrat, Duat was commissioned in 1966, and his combat tour lasted nine years. He was promoted meritoriously twice for heroic leadership under fire. The list of major battles in which he fought includes the great 1968 Tet offensive battles around Saigon and in Hue city. In the formidable North Vietnamese Easter Offensive of 1972, he led his company of troops to retake the citadel at Quang Tri city.

Duat accumulated a chestful of medals, including the National Medal of Honor (equivalent to the U.S. Medal of Honor) and various Gallantry Orders with gold, silver and bronze stars.

He was wounded three times, twice by AK-47 bullets and once by shrapnel from a B-40 rocket grenade.

In the final, tragic hours of the war, Duat kept his battalion together, fighting in their positions east of Saigon until the last moment. They learned on the radio that the Saigon government had surrendered.

"We went back to our barracks, and I dismissed the battalion," Duat recalled. "One of our sergeants shot himself in the head right then and there.

"I took off my uniform and walked home. My mother just cried and cried," he said.

Later that day, April 30, 1975, a North Vietnamese Army official came to the door and informed Duat that he was under house arrest. On June 14, loudspeaker trucks in the streets called for all former officers of the Saigon regime to assemble, and they were deported to re-education camps.

Duat and 2,000 other officers were placed in the former camp of the U.S. Army's Black Horse regiment, the 11th Armored Cavalry.

"We were ordered to cut trees, build roads and clear mines. Some were killed trying to remove the mines," Duat said.

They were given absurdly small rations of noodles, Duat said, and the North Vietnamese Army ordered the inmates' families to send food.

"Every night, after work, we were forced to sit and listen to talk about politics," Duat said.

The indoctrination sessions were thoroughly unconvincing. "They said [North Vietnamese] troops used rifles to shoot down B-52s," Duat recalled derisively.

They were shipped to a former French prison northwest of Hanoi. The days were spent clearing trees. Duat used some of the survivial training he had received from the

U.S. Marines to find edibles in the forest. Even so, he lost weight, dropping to 76 pounds.

"I became so weak. I had to use my hands on my knees, like this, to stand up," he gestured.

There were beatings. It was obvious to Duat that the policy was one of extermination of the weak through forced labor and neglect.

"About 15 percent died from starvation. My battalion commander died in my arms," he said, making a cradling motion with his arms.

Duat and the thinned ranks of fellow survivors were moved south in 1983. His release on March 11, 1983, was the beginning of two more years under house arrest.

As a former South Vietnamese officer, he was only permitted to engage in menial labor such as pedaling a bicycle taxi.

"I wanted to work," he said, and so on March 11, the eighth anniversary of his last day in prison, Duat departed Vietnam for the U.S., where he is studying English in order to go to school.

Duat's saga of survival should put human rights smack on the U.S. agenda for establishing diplomatic relations with this vile regime. The communists won the war, but they haven't been able to run the country and are desperate for aid and investment. We've got leverage. Yet our State department is taking the position that personal freedoms will follow the establishment of economic and political ties. This policy, we might note, has failed spectacularly right up the road, in China.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. MARKEY. Mr. Speaker, for years, thousands of dedicated, professional public safety telecommunicators have answered our calls for police, fire, and emergency medical services. They have dispatched assistance to put out fires, catch burglars breaking into our homes and provide emergency medical help to families in every one of our districts. These public safety people are truly dedicated professionals, although the public usually never sees them because they are not physically at the scene.

Public safety telecommunicators are behind the scenes doing their work competently and accurately. Without them, police officers, firefighters, and emergency medical personnel would lack the high quality communications services which are necessary for the variety of public safety services which are vital to the well-being of communities throughout the United States.

The Nation's public safety telecommunicators also work to improve emergency response capabilties through their leadership and participation in training programs and other activities provided by the Associated Public Safety Communications Officers [APCO]. APCO is an association of nearly 9,000 people engaged in the operation, design and installation of emergency response communications systems, including 911, for Federal, State, and local government agencies.

For far too long public safety telecommunicators have gone without proper recognition. Their job is one the public seldom notices, but one that saves lives every day. The joint resolution I have introduced today will establish a National Public Safety Telecommunicators Week for the second week of April each year. It is time that we show our appreciation for the people who work in this essential and growing field.

I believe that it wold be most appropriate for us to establish a National Public Safety Telecommunicators Week to honor telecommunicators as the true professionals and lifesavers that they are. As an example of the type of services provided by telecommunicators through the United States, I commend to my colleagues' reading a recent article describing the efforts of Susan Nealsey-Kratz, a police technician in Maryland. The article vividly illustrates the crucial role played by telecommunicators in difficult emergency situations. I urge my colleagues to join me in cosponsoring this legislation.

D.C. GAY AND LESBIAN PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Ms. NORTON. Mr. Speaker, I rise today to commend to this body the 16th annual Washington, DC Gay and Lesbian Pride Festival. This past Sunday, June 23, members of the local and area gay and lesbian community joined "Together in Pride." As many as 35,000 Latinos, African-Americans, Arabs, Asians, Catholics, Protestants, Christians, Jews, and veterans of our Armed Forces celebrated themselves and their contributions to our society as gay and lesbian people.

Mr. Speaker, I also take this time to remind this body that last week we passed legislation to protect the civil rights of women, members of religious groups, and of members of all racial and ethnic groups. Our work will not be finished until the protections of the Civil Rights Act of 1964 are extended to our gay and lesbian brothers and sisters. I am pledged to that fight to the finish.

Finally, Mr. Speaker, the D.C. Gay and Lesbian Pride Festival is a wonderful volunteer effort. The volunteers who have contributed to the festival are too numerous to mention, but I would like to commend the admirable voluntarism of those who serve on the Pride Board and committees: Garrett Haylett, Dane D'Alessandro, Kevin O'Keife, George Woods, Leonard Green, Jeff Simpson, Juan Vegega, Greg DuRoss, Adam Ebbin, Richard Sweeting, Mark deLevie, Greg Greeley, Marcy Blair, Jeffrey Pendleton, Deb, and especially Scott Friedman. Thanks to them and to all who are carrying on the struggle for human rights for all without invidious exceptions that have no place in a great democracy.

TRUTH ABOUT THE NATIONAL REPUBLICAN INSTITUTE FOR INTERNATIONAL AFFAIRS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. LAGOMARSINO. Mr. Speaker, allegations of improper actions by the National Republican Institute for International Affairs [NRIIA] have been circulated by several Members of this body and, since those allegations are not true, I wish to set the record straight.

The following points must be emphasized regarding NRIIA's activities in Costa Rica:

First, the Republican Institute has never funded any of the political activities or the campaigns of the United Social Christian Party [USCP] in Costa Rica. All of NRIIA's reports, budgets, proposals, and financial statements have been made public under the Freedom of Information Act. There is no basis whatsoever to charges that the NRIIA was involved in political activities or campaign activities in Costa Rica.

Second, despite the fact that the NRIIA believed its activities in Costa Rica were totally proper and in keeping with its charter, the institute decided in July 1989 to suspend the domestic operations with its grantee—the Association for the Defense of Costa Rican Liberty and Democracy. The NRIIA is puzzled that allegations about its activities should be made again after it has withdrawn from Costa Rica.

Third, the accusation that neither the National Endowment for Democracy [NED] nor the NRIIA knew precisely what was happening with the program in Costa Rica is absurd. NRIIA had a full-time professional program officer resident in Costa Rica working with the grantee during the time the NRIIA was supporting the project.

Fourth, allegations that the NRIIA was involved in a grudge match against Costa Rican President Oscar Arias is equally absurd. In fact, President Arias and several members of his cabinet participated in seminars and meetings sponsored by the NRIIA grantee.

Fifth, some of the allegations imply that neither NED nor the Republican and Democratic party institutes are permitted to associate with political parties; this is not the case. The clear prohibitions are against activities which support a candidate for public office. The Republican Institute and the Democratic Institute [NDIIA] were established to give NED a capability to work with political parties. As long as the work does not involve campaign activity, it is well within the NED, NRIIA and NDIIA Charters.

Sixth, regarding the involvement of Costa Rican President Rafael Angel Calderon with the former NRIIA grantee, it must be pointed out that during the period in which he was executive director of the grantee, Calderon was not an active candidate. In fact, Calderon had blessed the candidacy of another individual Miguel Angel Rodriguez, and Calderon had stated he would not be a candidate for the Presidency. When he reversed this decision, Calderon immediately resigned from the position of executive director of the grantee association.

Seventh, some of the allegations accuse Calderon of accepting funds from Panamanian strongman Gen. Manuel Noriega. This accusation was made by Jose Blandon and is not substantiated by any other source. Additionally, the period in which the alleged donation took place was 1 year before the NRIIA started its grant program in Costa Rica.

Eighth, finally, the question of why NRIIA chose to work in Costa Rica is often raised in the allegations. The Republican Institute believes that no democratic system can be taken for granted, and that Costa Rica, in particular, is worthy of effort to sustain its democratic system given its difficult geographic location between Nicaragua and Panama. It is not uncommon for officials of both parties in Costa Rica to make reference to threats to Costa Rica's democratic system posed by the international debt crisis, Nicaragua, Panama, and internatiónal drug trafficking.

It seems somewhat hypocritical that allegations have been raised against one party in Costa Rica—with the alleged complicity of the NRIIA—when the government party itself was engaged in much the same thing. The Liberation Party of former President Arias maintained a substantial educational and training facility of its own—CEDAL—which was funded from European sources.

This type of training and educational work is the rule, not the exception in Latin America, and support for these types of activities is not considered inappropriate by most reasonable observers and participants. Indeed, the work of the NRIIA in Costa Rica has been public for more than 4 years. NRIIA's work in Costa Rica has been carefully considered and carefully monitored, and it is not—and has not been—in violation of any of the restrictions which govern its activities. The NRIIA has been sensitive to the types of accusations that could be raised and has taken clear and unequivocal steps to address such concerns before they were ever raised. That these charges are being made now, when the information about the institute's work has been public for 4 years suggests a clear political motivation on the part of those making these false allegations.

PUBLIC HEALTH APPROACH TO CRIME AND VIOLENCE IN AMERICA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. STOKES. Mr. Speaker, last year America set a new national record. The Federal Bureau of Investigation recently reported that violent crime—murder, rape, robbery, and aggravated assault—increased by 10 percent in the United States last year, the largest annual increase since 1986. In particular, homicide records were broken in many of our Nation's large cities.

The homicide rate in young, African-American males is particularly distressing—death from homicide is the single greatest cause of death. But even more disturbing, young people in our inner cities killed for tennis shoes and other items of clothing, for drugs, for love, for hate, and in many cases, for no apparent reason at all.

Mr. Speaker, I am convinced that unless we deal with the underlying rage and violence which precipitates murder and other violent behavior, we will not solve America's crime problem. We must take action to tackle the root causes which fuel the violence plaguing our nation. Dr. Deborah Prothrow-Stith, assistant dean of Harvard University School of Public Health, has written a book called "Deadly Consequences," which will be published soon, and contains insight on the public health approach to combating crime. "As a physician," Dr. Prothrow-Stith states,

I wanted to find ways to intervene before blame was necessary—before a homicide was committed. Violence must be treated partly as a public health problem, handled with the same techniques that are used to combat smoking, drinking, and other behaviors that cause ill health.

In her book, Dr. Prothrow-Stith provides information on a path-breaking approach to combating violence, based on the view that violence is a learned behavior. I would like to share with my colleagues an excerpt from her book.

Mr. Speaker, every 24 minutes, someone is murdered in America. I urge my colleagues to take just a few moments to read about a violence prevention project and public health approach to resolving our Nation's crime problem.

DEADLY CONSEQUENCES

(By Deborah Prothrow-Stith, M.D., with Michaele Weissman)

The list of homicide victims is endless. Endless names. Endless tragedies. An endless stream struck down in barrage after barrage of gun fire. Grandmothers and college students, prowling street kids and small babies in their walkers, neighbors chatting on city streets, young mothers getting ready for work. Sometimes bullets kill those at whom they are aimed; sometimes victims are annihilated by bullets meant for others.

As a public health educator, as the former public health commissioner of Massachusetts, as a physician, as a parent, as a black American, and as an inner city resident, I have attended scores of community meetings called to discuss the epidemic of homicide in our cities. At these meetings, distraught and angry citizens call out for more police on patrol, for more arrests, for more judges to hear cases, for more jail cells to house convicted criminals, for more teenagers in jail. I share my neighbors' concerns. I share their fear; the fear we all feel for our children. However, I am convinced that more police will not solve the problem of homicide in America. More police in patrol cars, more street lights, stiffer sentences, and new prisons will not, I believe, prevent two young people from settling their differences with a firearm.

Many of my colleagues in public health and many police officials around the nation have come to believe that in order to reduce violence we must design imaginative new strategies; strategies that will augment, not replace police work. As Boston's Police Commissioner Francis M. Roache, a former patrolman, says often, violence is bigger than the police. What he means is this: The impulse to hurt others cannot be controlled by a police officer called to the scene after a crime has been committed. This same conviction was expressed most forcibly by the premier police department in the United States, the FBI, in a 1981 report on homicide. "Criminal homicide is primarily a societal problem over which law enforcement has little or no control".

I am convinced we can change public attitudes toward violence and that we can change violent behavior. What is required is a broad array of strategies; strategies that teach new ways of coping with anger and aggressive feelings. I believe we can and we must mobilize schools, the media, industry, government, churches, community organizations, and every organized unit within our society to deliver the message that anger can be managed and aggressive impulses controlled. We must also redefine the physician's role and the role of the emergency room. We need to use the health care system to create an early warning network that will identify young people at risk for violence and offer them treatment before they become victims or perpetrators. Until we begin to teach physicians' and emergency room patients that they have choices besides "finding the guy who did this to me and doing worse to him," I fear our homicide rate will not decline.

Not surprisingly, when I began to think about violence in a medical context, I saw this problem not as one that, say, required better surgical techniques, but one that required the creation of public health strategies such as health education in the classroom; health education via the mass media; community awareness; hospital-based screening for risk determination. I was impressed by the way these strategies were being used to combat smoking, heart disease, lead poisoning, child abuse, and other menaces to the public health. I wanted these same strategies to be applied and evaluated to reduce adolescent violence as well.

Most violence, it was discovered, occurs not between strangers, but between people who know each other, or who are related to each other, at least one of whom is unable to tolerate frustration or resolve conflict. When relationships explode, terrible injury or death is often the result. Long before the most extreme expressions of violence occur, a history of hitting, beating, fighting, and abusing often exists. Underlying each of these violent acts is a human failure. One or perhaps both persons caught in a violent relationship cannot relate non-violently. A history of family violence is often to blame for this inability.

Public health doctrine asserts that large national problems require multiple solutions. Multi-tiered strategies that address different segments of the population are used routinely. These interventions, known as primary, secondary, and tertiary prevention strategies, speak to the needs of specific groups of citizens.

Primary prevention strategies are designed to reduce health problems in the general population. This form of prevention involves educational and public information campaigns aimed at teaching the mass of American citizens about risk factors. Primary prevention strategies to combat heart disease, for example, include programs that raise the consciousness of the general public to the dangers of eating fatty foods, or smoking, or having a high cholesterol count.

Secondary prevention strategies are interventions aimed at people who are at risk. For heart disease secondary prevention includes efforts targeted to those who are at risk for developing heart disease because they smoke, have high blood pressure or high cholesterol, or have a family history of the disease.

Tertiary prevention encompasses all the strategies designed to prevent those who are already ill with heart disease from becoming sicker. Tertiary strategies are more intimate than the others. They usually involve some form of one-on-one, group, or self-help counseling.

In the years since Dr. Spivak and I established the Violence Prevention Project, a national movement to prevent adolescent violence has been born. Physicians, epidemiologists, nurses, community workers, teachers, criminologists, probation officers, police officers, social scientists from all over the nation have clambered aboard. Hundreds of school systems and community agencies in every state have become interested in the public health approach to prevention of adolescent violence. Many of them are using the violence prevention curriculum. Thousands of teachers and community agency "providers" have been trained to use the curriculum to teach adolescents about violence prevention. In cities as diverse as Little Rock, Arkansas and Seattle, Washington the violence prevention curriculum is being used as part of comprehensive, community-wide efforts to provide teenagers with alternatives to violence. In many instances communities have shown a great deal of imagination in the ways in which they have adapted the curriculum to their own needs. A number have scaled the material down to meet the needs of primary and middle school children. Some communities have devised their own interventions.

We who are committed to using public health strategies to reduce violence cannot do the job alone. We need the anger, the energy, and the moral power of ordinary people demanding that we engage in this most important fight. There is no force on earth more powerful, more persuasive than that of plain people who have had enough. I think ordinary Americans have had enough violence, enough killing, enough crippling injury, enough dead children endlessly mourned. It is time now for all those weary of the violence to rise up and take a stand. We need to begin turning back the ugly tide of violence.

REPRESENTATIVE PORTER CONGRATULATES FUJISAWA FOR PRICE DECREASE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. PORTER. Mr. Speaker, I rise today to commend the Fujisawa Pharmaceutical Co., for its recent decision to cut the price of the aerosol and injectable forms of pentamidine. Injectable pentamidine was approved by the U.S. Food and Drug Administration in 1984 for the treatment of AIDS-related pneumocystis carnii pneumonia [PCP], and in 1989 aerosolized pentamidine was approved for the prevention of PCP.

Effective June 1, Fujisawa reduced the price of pentamidine by 20 percent—from $99.45 to $79.00 per vial. This price-cutting measure means significant cost savings for PCP patients and reduces the cost of preventative care to both individuals and the government at a time when the benefits of early intervention in the management of HIV-related conditions are being increasingly recognized.

As my colleagues may know, Fujisawa is the innovator drug division of Fujisawa USA Inc., whose corporate and division headquarters are located in my congressional district in Deerfield, IL. Pentamidine was developed by Lyphomed, Inc., which became part of Fujisawa USA Inc., in 1990.

Over the last year, I have had several discussions with representatives of the pharmaceutical company about their pentamidine product and the cost of the drug. In those conversations, company officials indicated their desire to effectuate a price decrease, yet found it difficult to do so in the face of ongoing research commitments. Now, with capital made available by its parent company, Fujisawa USA Inc. is able to take this price-cutting action without adversely impacting its research programs.

For many years, the company has been committed to the battle against AIDS. In 1983, Lyphomed was recruited by the U.S. Centers for Disease Control [CDC] to manufacture pentamidine for the American market after European suppliers terminated supplies and other U.S. pharmaceutical companies declined to produce the drug. Lyphomed accepted the CDC's challenge and brought the injectable drug and, after considerable research, the aerosolized product to U.S. consumers. Pentamidine has come to be recognized as a highly effective drug for the treatment and prevention of PCP, extending the lives of many persons at risk for that terrible disease.

The company's commitment to the AIDS community also includes an indigent program—which supplies free pentamidine to community-based nonprofit clinics for provision to indigent patients—and an 800 telephone number to answer inquiries about pentamidine reimbursement by the government and third-party insurers.

The recent price reduction decision is a very positive step and is yet another example of the company's commitment to combating AIDS. I congratulate Fujisawa for its decision, and I urge my colleagues to take note of this important action.

TRIBUTE TO STUDENTS OF STUART-HOBSON MIDDLE SCHOOL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Ms. NORTON. Mr. Speaker, it gives me great pleasure to pay special tribute today to eight very exceptional, talented, and hard-working young people, students from the Stuart-Hobson Middle School in the northeast sector of my district, who recently won second place in the classics category of an international academic competition called Odyssey of the Mind.

The seven team members, all eighth-graders at Stuart-Hobson, are Sara Rimensnyder, Beth O'Brien, Kara Fenske, Sarah Raimo, Vash Carter, Taledia Banks, and Alexander King. Their teacher and coach is Ms. Sarah Hill.

As their team project, these students created and presented an original performance depicting a scene in ancient Pompeii prior to and during its destruction by the eruption of Mount Vesuvius. After winning regional and State-level competitions, the Stuart-Hobson Middle School students competed in Knoxville, TN against 648 teams from the United States and eight other countries; when they returned home to Washington, they brought with them the first-runner-up trophy in this universally acclaimed competition which had attracted participation this year by 15,000 students from around the world.

I want also to commend all Stuart-Hobson administration and faculty members who were involved in this award-winning effort, along with the families and classmates of the team members for their support and encouragement throughout the competition. I am proud and privileged to recognize and pay tribute to such an exceptional accomplishment.

THE METHOD OF ALLOCATING THE EXPENSES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. VENTO. Mr. Speaker, today I am introducing legislation that would simplify the method of allocating the expenses of running a child care business in the home for the purposes of filing Federal income tax.

Section 280(c)(4)(C) of the Internal Revenue Code currently provides for the specific needs of child care providers in terms of allocating the expenses associated with operating a business in the home. Recently, however, due to the broad nature of the statute, an interpretation of section 280(c)(4)(C) by IRS counsel in Washington, DC could lead to a de facto recordkeeping nightmare for child care providers, who, in order to favorably withstand an audit, could be required to keep records of how many hours each child uses a room every day.

Certainly, this interpretation, delivered in a technical advice memorandum [TAM] to the St. Paul IRS, would have a devastating effect on child care providers nationwide. Providers not keeping hourly logs would be worried they would fail an audit. Providers keeping logs could find that they spend more time keeping records than taking care of children.

The controversy surrounding this interpretation has turned the heat up to a degree that has forced the IRS to suspend the TAM pending reconsideration of their interpretation. In order to stave off an unfavorable reinterpretation or future interpretation that can only breed uncertainty for providers at tax time, I am introducing legislation to simplify and clarify the code regarding the allocation of expenses for child care providers recognizing the unique situations and considerations they face in providing care to the developing children of our Nation.

My legislation would establish a "standard deduction" of expenses for child care providers who operated for an entire year—49 weeks—on a 40-hour workweek. Providers who qualified would be able to deduct 35 percent of currently allowable expenses, including

utilities, house insurance, mortgage interest, house depreciation, property tax, and major home improvements depreciation. My legislation would not reinstate telephone expenses as an allowable expense.

As an alternative for providers who do not qualify for the above or for one reason or another choose to pursue a more itemized deduction, my legislation recreates a more simplified and specified "time-space" formula as follows:

Number of square feet used in the business divided by total number of square feet in the home times number of hours home used in business divided by total number of hours in a year.

This formula would yield a "time-space" percentage to apply to the same expenses I have already listed. To determine how many square feet in the home are used in business, the provider would look at each room or area and ask the question: "Is this room used exclusively for personal or other business use nonday care?" If the answer is "no," then 100 percent of that area would be counted for day care use. If the answer is "yes," then that space cannot be counted for day care use.

To determine how many hours the home is used in business, the provider would count hours that the home is open for business, plus other hours the provider is spending in the home on business activities, including cleaning, cooking, activity preparation, recordkeeping, phone calls with parents, parent interviews, menu planning, licensing visits, and other activities.

Mr. Speaker, ultimately, if the IRS TAM of March 15 were to be reinstated, it could unnecessarily complicate the reporting needs of child care providers and possibly force some providers to leave the business. Instead, Congress must search for methods to continue to make child care more affordable and more available. I urge my colleagues to cosponsor this legislation and hope that the Committee on Ways and Means is able to include it in its consideration of this issue.

TRIBUTE TO KENNETH A. ROE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today to pay tribute to Dr. Kenneth A. Roe, who passed away this month. Dr. Roe was a great American who contributed much to this country. His lifelong dedication to the field of engineering, as well as his tireless commitment to education and community service was exemplary.

Dr. Roe graduated from Columbia College in 1938, earned a degree in chemical engineering from MIT in 1941, and a masters degree in mechanical engineering from the University of Pennsylvania in 1946. He received a certificate in naval architecture from the U.S. Naval Academy and honorary doctorals from Stevens Institute of Technology and Manhattan College.

Dr. Roe served as an engineer in the U.S. Navy during World War II. After the war, he returned to Burns & Roe, working as a mechanical and chemical engineer, later becoming the firm's executive vice president, president, and eventually, chairman and chief executive officer.

Dr. Roe led the firm in designing innovative and advanced technology. Under his management Burns & Roe was involved in many advanced projects such as the Mercury and Gemini space programs and numerous conventional and nuclear powerplants.

Dr. Roe's lifelong dedication to engineering is also illustrated by his involvement in various professional societies. He served as president of the American Society of Mechanical Engineers, chairman of the Engineers Joint Council, and was the founding chairman of the board of governors of the American Association of Engineering Societies.

Additionally, Dr. Roe was committed to higher education. He traveled throughout the United States to meet and address student groups. He served on the board of trustees of Stevens Institute of Technology and played a critical role in the activities of Columbia University and Manhattan College.

Also involved in community activities, Dr. Roe was a member of the board of overseers, the Sons of the American Revolution, Society of Colonial Wars, and was governor of the Founders and Patriots. He also actively served in church and scouting activities.

I was particularly saddened to hear of Dr. Roe's passing, but we can all gain inspiration in his accomplishments and service to this Nation. Dr. Roe's tireless commitment to engineering, education, and the community should serve as a model for us all. He is indeed a man who deserves our respect and admiration.

E. ROGER AMODIO—A LEADER FOR CATHOLIC CHARITIES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FEIGHAN. Mr. Speaker, the passing of E. Roger Amodio, executive director of Catholic Charities Corp. in Greater Cleveland, marked the end of a remarkable career in fundraising for Catholic Charities.

Raising funds for charitable purposes is no easy task. But Roger Amodio pursued this task with vigor and determination. He became executive director of Catholic Charities in 1978 and remained in this position until his untimely death. The organization which he headed solicited contributions from 243 participating parishes and uses the funds to pay operating, maintenance, and capital costs for 37 Catholic agencies and institutions in the diocese. In the 21 years Roger directed the Catholic Charities Corp., he raised nearly $100 million.

A native of Brooklyn, NY, Roger attended Catholic elementary and high schools in Brooklyn and received his bachelor's degree from St. John's University in New York. While in college and 1 year after army service, he was a baseball pitcher on several minor league teams in the Philadelphia Phillies system. In 1956, he began his career as a fundraiser, working initially for the Salvation Army in Queens and subsequently for community counseling services and the Police Athletic League in New York City.

Mr. Speaker, Roger Amodio was a man of numerous talents and was quite active in community affairs. He served on the board of the National Catholic Stewardship Council, the board of the diocesan central purchasing office and on the human services planning committee for the Cleveland diocese. As if he did not have enough to do, Roger also was active in his own parish, St. Clarence in North Olmsted, as a religion teacher for youngsters who did not attend daytime parochial school and as chairman of the church's building committee.

Mr. Speaker, there is no better way to sum up Roger Amodio's contributions to the diocese than to quote the respectful words of Bishop Anthony Pilla who said:

> Every once in a while you have the good fortune to be associated with special people who are a blessing for you and others, and Roger was that kind of person. He was a competent professional, dedicated to his work, and deeply committed to the Church and to gospel values, which he lived in an admirable way.

INTRODUCTION OF A BILL RELATING TO TAX TREATMENT OF MUTUAL FUNDS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 2735, legislation to simplify and make more rational the tax treatment of mutual funds and their shareholders.

Mutual funds have experienced dynamic growth since their inception in this country in the 1920's. In the last decade alone, the combined assets of all mutual funds have increased from about $130 billion to over $1 trillion. They have become the Nation's third largest type of financial institution, behind only commercial banks and life insurance companies. This dynamic growth is expected to continue into the foreseeable future.

Unfortunately, the tax treatment of mutual funds and their shareholders has not kept pace with changes in the industry. The bill that I am introducing today would be a major step toward rectifying that situation. The bill would simplify the tax treatment of mutual funds and their shareholders, but it would also go beyond simplification. In the spirit of the Tax Reform Act of 1986, it would also seek to make the tax laws more neutral with respect to the financial decisionmaking processes of mutual funds. To these ends, the bill contains three significant amendments to the tax laws.

First, the bill would repeal the so-called short-short rule, which restricts, for tax purposes, the ability of mutual funds to derive income from stocks, options, and certain other assets held for less than 3 months. While the rule has long been defended as protecting investors and restraining churning, it appears that the securities laws are adequately serving these purposes. Repeal of the rule will reduce

tax compliance burdens for mutual funds and bring the tax laws in line with the realities of present-day securities markets and investment strategies. This amendment should prove in the best interests of shareholders by reducing the costs of mutual funds and by removing disincentives for mutual funds to use prudent investment strategies.

Second, the bill would require mutual funds and brokers to report basis information to mutual funds investors upon sales or exchanges of mutual fund shares. The reported basis would be determined based upon the average basis of stock in the investor's mutual fund account. This provision will make it easier for mutual fund investors to calculate gain or loss from mutual fund redemptions—a task that is presently complicated by the necessity for investors to retain records for long periods of time in order to keep track of account activity affecting their tax basis.

Finally, the bill would eliminate uncertainty under current tax laws as to the effect upon a mutual fund when its manager reimburses the mutual fund for expenses already incurred. The bill would clarify that such reimbursements do not count toward the so-called 90-percent test so as to disqualify the mutual fund under the requirements of the tax law with respect to the sources from which the fund may derive its income.

In developing this bill, consideration has also been given to another proposal regarding the tax effects of the conversion of common trust funds to mutual funds. The proposal has not been included in this bill at this time, however, since it is currently being considered in the context of H.R. 1505, the Financial Institutions Safety and Consumer Choice Act of 1991.

Mr. Speaker, it is my intention to refer H.R. 2735—along with the issue regarding conversions of common trust funds, if that issue is not addressed as part of the pending banking reform legislation—to the Subcommittee on Select Revenue Measures for hearings in the near future. Since there is likely to be a modest revenue loss associated with this bill, I also intend that a revenue offset will be provided before this legislation moves forward in the legislative process, so that the reported bill fully complies with the pay-as-you-go financing requirements.

A brief explanation of the bill accompanies this statement.

DESCRIPTION OF H.R. 2735

1. Repeal the short-short test for regulated investment companies (sec. 1 of the bill and sec. 851(b)(3) of the Code)

PRESENT LAW

In general, a regulated investment company ("RIC") is a domestic corporation which, at all times during the taxable year, is registered under the Investment Company Act of 1940 as a management company or as a unit investment trust, or has elected to be treated as a business development company under that Act.

In addition, in order to be considered a RIC for Federal income tax purposes, a corporation must elect such status and must satisfy certain qualification tests. In particular, a corporation generally must derive less than 30 percent of its gross income from the sale or disposition of certain investments (including stock, securities, options, futures, and forward contracts) held less than 3 months (the "short-short" test).

The tax rates for qualifying RICs are the same as those for corporations generally. The Federal income tax, however, is computed only on "investment company taxable income," which is determined by allowing a deduction for dividends paid to shareholders (but not permitting deductions normally allowed corporations such as the deduction for net operating loss and the dividend received deduction).

Thus, if a RIC pays a sufficient dividend, it generally avoids any corporate level tax. The shareholders are subjected to tax on the dividends that they receive.

REASONS FOR CHANGE

The short-short test significantly restricts the investment flexibility of RICs. The test can, for example, limit a RIC's ability to engage in conservative "hedging" strategies (based on options to protect unrealized gains from adverse market moves).

In order to comply with the rule, a RIC also must keep track of the holding periods of assets and the relative percentages of short-term and long-term gain that it realizes throughout the year. The short-short test thereby burdens RICs with significant recordkeeping, compliance and administration costs.

The securities laws can protect investors and restrain "churning" adequately. Moreover, the rule is not necessary to ensure that RICs do not engage in other types of activities normally conducted in corporate form.

EXPLANATION OF PROVISION

The bill repeals the short-short test.

EFFECTIVE DATE

The provision is effective for taxable years ending after the date of enactment.

2. Require mutual funds/brokers to report basis to customers (sec. 2 of the bill and secs. 1012 and 6045 of the Code)

PRESENT LAW

Information returns

Brokers (which include mutual funds) must report to the Internal Revenue Service the gross proceeds from sales and exchanges by customers (sec. 6045). Mutual funds/brokers must also give each customer a written statement with that information by January 31 of the year following the calendar year the transaction occurred. Mutual funds/brokers may use Form 1099–B, Statement for Recipients of Proceeds From Broker and Barter Exchange Transactions, or an IRS-authorized substitute, for these reporting purposes.

In a sale or exchange where there are multiple brokers, only the broker responsible for paying the customer is required to report the sale (Treas. Reg. sec. 5f.6045–1(c)(3)(ii)). For example, a mutual fund that is instructed to redeem shares by another broker (who is responsible for paying the customer) is not obligated to report the sale; the other broker must provide the report. In addition, information returns are not required with respect to the sale of shares in a money market fund (Treas. Reg. sec. 5f.6045–1(c)(3)(v)).

Gain/loss from the sale of mutual fund shares

A taxpayer who sells or exchanges open-end mutual fund shares must report the gain or loss on his Schedule D (Form 1040) along with any other capital gains or losses. Such a sale or exchange may take the form of a redemption of shares of a fund, a check written on a fund, or exchanges from one fund into another fund.

The amount of gain or loss is the difference between the taxpayer's adjusted basis in the shares and the amount the taxpayer realized from the sale or exchange (sec. 1001). A taxpayer's adjusted basis is his original cost (including any sales charges or "load") or other basis adjusted for such things as wash sales and return of capital distributions. The amount a taxpayer realizes from a disposition of shares is the money and value of any property received for the shares minus expenses (such as sales commissions, sales charges, or exit fees).

A taxpayer who sells only a portion of his shares may choose one of three methods to determine the adjusted basis of the shares that were sold (Treas. Reg. secs. 1.1012–1 (c) and (e)):

(1) the First-In, First-Out (FIFO) method requires the taxpayer to assume that the first shares sold were the first ones purchased by the taxpayer;

(2) the Specific Identification method lets the taxpayer identify exactly which shares the taxpayer sold—but the method is available only if, at the time of sale, the taxpayer specified to the broker the particular shares to be sold and the broker confirms such specification in a written document within a reasonable time after the sale;

(3) the Average Cost method permits the taxpayer to calculate his gain or loss based on the average price he paid for his shares. The Average Cost method may be determined either by the single category method (which uses the average cost of all of the taxpayer's shares and determines the holding period for the shares that are sold on a first-in first-out basis) or the double category method (which separates the taxpayer's shares into long-term and short-term holdings and provides a separate average cost for each category). A taxpayer may elect the Average Cost method by attaching a statement to his return. Once the taxpayer elects the Average Cost method, the taxpayer must use that same method for all of his accounts in that fund.

REASONS FOR CHANGE

Many taxpayers investing in mutual funds engage in a large number of transactions in mutual fund shares. For example, some taxpayers purchase mutual fund shares periodically through participation in dividend reinvestment plans or in payroll deduction or other types of investment plans. Other taxpayers, such as retired individuals, may frequently sell shares to pay living expenses. Because of the many purchases or sales or both in different amounts, at different times and at different prices, taxpayers frequently have difficulty in calculating gain or loss each time they sell mutual fund shares. Calculating gains and losses correctly may require taxpayers to retain accurate records for many years.

EXPLANATION OF PROVISION

Information returns

The bill requires mutual funds/brokers that are presently required to report gross proceeds on sales or exchanges of mutual fund shares to report basis information on the same information return. For each sale or exchange, a mutual fund/broker must report the basis of the shares that have been sold and the portion of the gross proceeds for the shares that are held for more than 1 year, using a first-in, first-out method. A mutual fund/broker may aggregate reports for all sales and exchanges for the year in a form and manner specified by the IRS.

The bill requires the mutual fund/broker to report basis using the average basis of all of the shares of the account from which the disposition was made. Average basis is intended to be the single-category Average Cost basis,

and not the double-category. The bill also provides the Secretary authority to determine the manner in which basis and holding period are to be reported. Such authority would include the authority to require mutual funds/brokers to take into account wash sales, return of capital distributions, and other events that might affect a basis calculation.

The bill requires the basis calculation to be done on an account-by-account basis. An account is considered to be the shares of one mutual maintained by the mutual fund or by a broker. Thus, with respect to a mutual fund, an account would be each account it maintains. With respect to another broker, an account would be the shares in any one mutual fund, whether or not they are reported together with the shares of another mutual fund, other stock, or other items. Thus, for example, when a customer holds shares in two mutual funds through a broker (rather than directly through the mutual funds themselves), the shares for each separate mutual fund would constitute a separate account for purposes of these rules.

Information returns would be required to be sent to shareholders by January 31, which is the same date by which all other information returns must be provided to taxpayers. Some shareholders may redeem shares at a loss in December and repurchase shares in January. If those transactions occur within 30 days of each other, the wash sale rules could apply (and change the basis of some of the shares sold in December). In these instances a mutual fund/broker cannot reasonably be expected to incorporate the change by the time that the information return must be sent. For these cases, it is intended that a mutual fund/broker send amended information returns reflecting these wash sales during February. It is also intended that the reasonable cause exception (sec. 6724) to the penalty for failure to file accurate information returns apply if the mutual fund/broker supplies to the shareholder a corrected information return reflecting the wash sale computation no later than the last day of February (which is also the day by which the information must be filed with the IRS).

If a broker that holds stock in a mutual fund as a nominee for another person transfers such stock to another broker, the old broker also must furnish the new broker the information necessary for the new broker to meet the information reporting requirements.

Gain/loss from the sale of mutual fund shares

The bill generally requires a taxpayer to calculate basis and adjustments to basis as under present law. However, unless a taxpayer elects otherwise, a taxpayer must determine basis for mutual fund shares by using the average basis of all of the stock of the amount from which a sale or exchange was made. The bill also requires the taxpayer to determine holding period on a first-in, first-out basis. Average basis is intended to be the single-category Average Cost basis, and not the double-category.

A taxpayer may elect a method other than average basis (i.e., FIFO or specific identification) only by making such an election on his or her return for the first taxable year in which a sale from the account occurs. A taxpayer may elect different methods for different accounts in the same fund.

EFFECTIVE DATE

The provision is effective for mutual fund shares held in accounts opened on or after January 1, 1993. An account would be considered opened when, for example, a customer purchases shares through a broker in a fund not previously owned in an account maintained for the customer by that broker, notwithstanding that the customer might own shares in the fund directly with the fund or through another broker.

The provision is not applicable, however, to shares in an account that includes shares not acquired by purchase. Thus, the provision would not apply, for example, to shares in an account opened after January 1, 1993 that includes shares that had been acquired by gift. The basis in such shares must be determined as under present law.

3. Modify the 90-percent test for regulated investment companies (sec. 3 of the bill and sec. 851(b)(2) of the Code).

PRESENT LAW

In order to qualify as a regulated investment company ("RIC"), a corporation must dervice at least 90 percent of its gross income from certain specified sources, generally investments in stocks, securities or currencies (the "90-percent test").

REASONS FOR CHANGE

Mutual fund advisors occasionally agree to limit the fees they charge a RIC. If negotiated in advance, such limitation generally does not result in gross income and therefore does not affect application of the 90-percent test. In other instances, an advisor may reimburse the RIC for costs already incurred. Because the reimbursement may be treated as gross income to the RIC, it may affect application of the 90-percent test. Treating a reimbursement the same as a fee limitation simplifies the tax treatment of substantially equivalent commercial transactions.

EXPLANATION OF PROVISION

The bill provides that any amount included in income by reason of any reimbursement or any other payment in respect to the expenses of a corporation is not treated as gross income under the 90-percent test. No inference is intended with respect to the treatment of such expenses under present law.

EFFECTIVE DATE

The provision applies to taxable years ending after the date of enactment.

TRIBUTE TO ADA DITO

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FAZIO. Mr. Speaker, I would like to commemorate Ada Dito who will be recognized for her outstanding efforts as an employee of the Nut Tree, which is celebrating its 70th anniversary.

Seventy years ago, on July 3, 1921, a young woman sat beneath a black walnut tree that shaded the only two-lane road from the bay to Sacramento. Beside her was a prune tray set up as a counter, a staff with an American flag and a copy of the Saturday Evening Post. This was the birth of the world-renowned Nut Tree.

In 1941, war raged in Europe, the price of a cup of coffee was 10 cents and Vacaville High School graduate Ada Dito began her career as a Nut Tree waitress.

The first bona fide miniature loaf of Nut Tree bread appeared on the Nut Tree table when the new bakery was built in 1948. The idea of reducing the size of the American loaf of bread to individual-sized loaves is a Nut Tree innovation that has been duplicated throughout the industry. Ada has served this culinary treat since its inception.

The Nut Tree concept and philosophy of dining was coined in the phrase "Western food." Western food is inventive, tasty, and appealing to the eye as well as to the palate. The idea is to be unique and to use products that have a special link to location, both geographically and historically. Ada has offered the full range of Western food to guests throughout her career at the Nut Tree.

In 1955, the Nut Tree Airport, then a dirt landing strip, was opened to the public. Ada was one of several waitresses who took an orientation flight when the airport opened. The strip was later paved in the late 1950's.

In the 1960's, the grandchildren of Nut Tree's founders, Helen and Bunny Power, ate breakfast in the dining room before school every morning. Ada made sure that they ate a healthy breakfast and picked up their lunch money before she shooed them off to the bus.

The Nut Tree was a pioneer in the restaurant industry, serving fresh fruits and vegetables. During the 1960's, the Nut Tree had space booked on a United Airlines flight twice a week from Hawaii to San Francisco to bring in fresh pineapples. Over the years, Ada has served countless pineapples to Nut Tree guests.

A few years ago, Ms. Dito reduced her schedule to 2 days a week, but she continues to arrive, as scheduled, at 6 a.m., every Thursday and Friday.

Mr. Speaker, on this anniversary celebration of the Nut Tree, I hope my colleagues will join me today in recognizing Ada Dito for her distinguished service. I also wish her continued success at the Nut Tree for many years to come.

AMERICAN LIVING TREASURES

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. McEWEN. Mr. Speaker, as the people of New Zealand set aside the opening year of this decade to honor the document and the men that founded their nation 150 years before, our own countrymen recognized this significant event with the investment of America's "Living Treasures."

Now I am honored to rise in recognition of a group of young Americans who recently visited New Zealand as representatives of the "Living Treasures" of our youth. These young men and women from throughout the United States visted New Zealand from April 18 through 28, 1991, and met with members of Parliament from New Zealand, as well as government leaders from other Pacific rim nations.

Mr. Speaker, I urge my colleagues to join with these "Living Treasures" of American youth by extending best wishes to the people of New Zealand. The young Americans that traveled to New Zealand are:

Stephen Alexander (California).

Brian Anderson (Pennsylvania).
LeeAnn Andersen (Minnesota).
Annie DuBreuil (Illinois).
Janna DePue (South Carolina).
John Derr (Oregon).
Nils Engen (Washington).
Christopher Fleming (Georgia).
Heather Gawin (Wisconsin).
Thomas Greco (California).
Sharla Hallett (Wisconsin).
Titus Heard (Oklahoma).
Joy Hensley (Florida).
Jennifer Kurtz (California).
James Linn (Texas).
Dawn Marshall (Michigan).
Jeremy McAllister (Oregon).
Mark McNair (Illinois).
Shannon O'Rourke (Tennessee).
Christina Pinkston (Georgia).
Daniel Steele (Minnesota).
Brett Swank (Michigan).
Jarrett Swank (Michigan).
Misty-Dawn Treadwell (California).

I would like to express my best wishes for continued learning and success as these young people return from the New Zealand national capitol and serve in our own country and other nations around the world.

STEFANIE CLARKE ESSAY CONTEST WINNER

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FAWELL. Mr. Speaker, today I would like to recognize an outstanding student from my congressional district. Stefanie Clarke is this year's winner of the Heritage Essay Contest.

Stefanie's essay focuses on the essential aspects in a great modern nation. Her essay entitled, "The Essential Components of a Modern Nation" follows:

THE ESSENTIAL COMPONENTS OF A MODERN NATION

The essential components of a modern nation include those elements which allow a country to survive all catastrophies and challenges. I believe that these essential parts are: (1) A healthy economy, (2) a democratic leadership, and (3) law and order.

Education and free enterprise play an ultimate role in the formation of a healthy economy. Education is the foundation for generation upon generation of educators, scientists, engineers, doctors, lawyers, and so forth. An economy has to offer the freedom to cultivate new ideas, businesses, inventions, and so on. Greater achievements arise from a free enterprise system where varied products are produced by many different people or cultures. It seems logical to believe that an educated, happy, and highly productive society will produce a rich, independent, and stable economy.

I feel that a fair, honest, and democratic leadership is fundamental to the survival of a modern nation. The people of a nation must know that their opinion counts. A leadership that allows freedom of speech and one that "listens" to its people is very important to a nation's success. The modern nation's leadership must be honest and dedicated about its goals and always focus its goals so that its people benefit. Goals and attitudes that will benefit only a single or a few individuals will not work.

Law and order is also a key ingredient to a modern nation. I believe that a nation must have rules and regulations to control the behavior of its people, its governments, its businesses, and so forth. Without law and order only chaos can result. The rules must treat people equal and fair despite race, or creed. Freedom from discrimination, is a must! If the same crime is committed by two different people, one rich and one poor, each must be tried equally. Just as children, a nation must be disciplined by the 3 R's —rules, rights, and regulations.

A healthy economy comprised of material riches, advance technologies, free enterprise and educated individuals, a free and stable leadership, and fair law and order are paramount to the strength and survival of a nation. These items are absolutely the essential components of the modern nation; and I believe that free America has dedicated itself to having them all!

A TRIBUTE TO RABBI DR. HERMAN ELIOT SNYDER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, I have the privilege today to pay tribute to a man who has reached a momentous milestone in his long and illustrious life. On July 7, 1991, Dr. Herman Eliot Snyder will turn 90 years old. When speaking of a man of Rabbi Herman Eliot Snyder's stature, it is difficult to know where to begin. Throughout his prestigious career Rabbi Snyder has been honored time and again. Upon his arrival in Springfield, MA, in 1947, Rabbi Snyder immediately became an active member of the Springfield area Jewish community. One of his most notable achievements is the founding of the Sinai Temple and his nurturing which allowed it to grow from a congregation of 50 families to a community of over 450.

Because it would be impossible to enumerate all of Rabbi Snyder's accomplishments in these Chambers I mention only a few highlights. Both the prestigious Pynchon Award and the National Conference of Christians and Jews Award have been bestowed upon Rabbi Snyder. In addition to these, he is also the honorary president for life of local B'nai B'rith and he was elected chief rabbi for life of Sinai Temple, emeritus since 1970.

Perhaps more than anything else, what has characterized Rabbi Snyder's career has been his devotion to reaching out to the different communities in Springfield. Through his understanding and intellect he has sought to resolve divisions both within the Jewish community and with the world surrounding it. He has been adept at intertwining the best of both the old world and the new. He has been able to accomplish the delicate feat of reinstating some of the traditional Jewish practices, which had come into neglect, while never losing sight of modernity and the needs of the present. Rabbi Snyder forged links within the Springfield community more so than any of his predecessors. Although he is an urbane and scholarly man, his home, family, and community have always been his primary source of strength and purpose.

Rabbi Snyder is a man that I am proud to call a friend. On more than one occasion I have turned to him for his advice. He has proven his devotion to his brothers and sisters both within and outside of the Jewish community. His work has never been a self-seeking pursuit but one distinguished by his sense of commitment. I ask you, my colleagues in the House of Representatives, to join me in paying tribute to this most deserving man, Rabbi Dr. Herman Eliot Snyder, on this his 90th birthday. All the best to you, Rabbi Snyder, and I wish you many more.

1991 IRISH FESTIVAL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, this weekend many of New Jersey's Irish-American citizens will celebrate their heritage and remember the 75th anniversary of the Easter Uprising at the 21st Annual Irish Festival to be held at the Garden State Arts Center.

This celebration will include a bagpipe competition in which 16 teams from throughout the Northeast will entertain the crowd with traditional Celtic music. Gaelic arts and crafts as well as traditional ethnic foods will be displayed and offered for sale. Many local youth will also participate in a soccer tournament, a very popular sport in Ireland.

The day will culminate with a prayer service in remembrance of the Easter Uprising of 1916, a protest of English rule which marked the beginning of Ireland's struggle for independence from the crown.

Proceeds from the 21st Annual Irish Festival will benefit the Garden State Cultural Fund. The fund offers cultural awareness programs to children, senior citizens, the disabled, and disadvantaged persons throughout New Jersey.

JOHN HUARD, COAST GUARD HERO

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. JONES of North Carolina. Mr. Speaker, I rise to commend Coast Guard PO John P. Huard for his courageous actions on the night of September 18, 1990—actions that saved the lives of seven fishermen. For his bravery, Petty Officer Huard was recently awarded the Gold Medal by the Association for Life Saving at Sea. Additionally, the Coast Guard has awarded Petty Officer Huard the Coast Guard Commendation Medal.

Last week, at a ceremony in the Merchant Marine and Fisheries Committee hearing room, I had the privilege of meeting Petty Officer Huard. He truly represents the best attributes of the men and women who serve their Nation by volunteering to join the U.S. Coast Guard.

I will briefly outline the details leading up to Officer Huard's courageous rescue on the

night of September 18 of last year. The fishing vessel *Aristocrat* had been operating in the waters off the Nantucket, MA and had been experiencing severe problems. While the Coast Guard vessel *Tamaroa* was escorting the vessel to shore, it was noted that the *Aristocrat* was riding low in the water and it appeared to be in danger of capsizing. A rescue boat, coxswained by Petty Officer Huard, was then sent alongside the *Aristocrat* to assist in the evacuation of the fishing vessel. Within minutes, the *Aristocrat* has begun to take on a significant amount of water and there was panic on board the fishing vessel. As the *Aristocrat* began to roll over, one fisherman jumped on to the rescue boat. At this point, to use the words of the report describing the incident, "it seemed to rain people." At the same moment the *Aristocrat* rolled over perilously close to the Coast Guard small boat, four fishermen were thrown into the water and were quickly rescued.

The officer recommending Petty Officer Huard for a Coast Guard commendation declared:

This sinking and rescue was the most remarkable event I have experienced in my Coast Guard career and the courageous and skillful performance of BM3 Huard was the key element in rescuing survivors. The lifesaving effort he executed was flawless and is deserving of significant personal recognition.

Petty Officer Huard is a splendid example of the brave men and women who volunteer to serve in the Coast Guard. They risk their lives each day to assure safety at sea. While the gold medal awarded to Petty Officer Huard recognized his pivotal role in the rescue of fishermen on the *Aristocrat*, it is also a symbolic recognition of the role played by the U.S. Coast Guard in protecting life at sea.

As Officer Huard received the award, he mentioned that the rescue was a team effort and he accepted the medal on behalf of all the brave persons that participated in the rescue. I note that this medal recognizes only one event, among many in which members of the Coast Guard family strive to assure a safe environment for fishermen, mariners, and indeed all persons who go to sea.

TRIBUTE TO EVA BACIARINI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FAZIO. Mr. Speaker, I rise today to acknowledge the 70th anniversary of the Nut Tree and to honor a long-time employee, Eva Baciarini.

Seventy years ago, on July 3, 1921, a young woman sat beneath a black walnut tree that shaded the only two-lane road from the bay to Sacramento. Beside her was a prune tray set up as a counter, a staff with an American flag, and a copy of the Saturday Evening Post. This was the birth of the world-renowned Nut Tree.

Seven years later, in 1928, Eva Baciarini began her career with the Nut Tree. She worked summers as a waitress in the restaurant. In those days, waitressing meant more than serving customers. It also meant shelling nuts or washing windows, wrapping gifts at Christmas and filling in as hostess or cashier when needed.

In the 1920's, Nut Tree spearheaded the revolutionary fancy packaging of fresh and glace fruits. Eva was there to help package candy and fancy fruits during the busy summer season.

During her tenure at Nut Tree, Eva has served people from all walks of life. The early 1930's saw many limousines pulling off the old Lincoln Highway for refreshment at the Nut Tree. The occupants were probably motoring to or from a resort such as Richardson Springs at a time when such retreats were in their heyday. The Nut Tree and Eva's smile were a welcome respite from this dusty travel.

Through the years, Eva has also served Herbert Hoover, sports great Dick Bartel, Fred MacMurray, Bing Crosby, as well as Presidents Hoover, Nixon, Ford, and Reagan. She remembers the day when Will Rogers came for lunch.

In 1944, the newly formed chapter of the Vacaville Rotary Club began meeting at the Nut Tree. Eva was their first waitress and has continued to serve Rotary members every Thursday for 47 years. For her devoted service, she is an honorary member of the organization.

The Nut Tree concept and philosophy of dining was coined in the phrase western food. Western food is inventive, tasty, and appealing to the eye as well as to the palate. The idea is to be unique and to use products that have a special link to location, both geographically and historically. Eva has offered the full range of western food to Nut Tree guests throughout her career at the Nut Tree.

Eva has been a part of Nut Tree growth and expansion every year during her employment. In 1971, the dining room underwent a major expansion. The aviary, with its brilliantly colored birds, was added and the new atmosphere met with overwhelming approval by the restaurant industry.

In 1979, Nut Tree partner Robert Power was named president of the National Restaurant Association. Mr. Power honored Eva by asking her to serve as Nut Tree's ambassador in Chicago at the annual meeting of the National Restaurant Association.

Eva has dedicated 63 years to maintaining the award-winning standards of Nut Tree and has continued to be a vital part of the Nut Tree. I salute her for all she has given to her community and to bettering the lives of all who have stopped by the Nut Tree. She, like the restaurant, is an institution.

BIBLES FOR RUSSIA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. McEWEN. Mr. Speaker, for over 70 years, the people of the Soviet Union have lived under the doctrines of communism, without the freedom of hope and faith in God.

With perestroika, the leader of the Soviet Union has recently requested that men and women from other nations bring Bibles and character training back among the Russian people. As explained by the Supreme Court in its *Vidal* v. *Girard's Executors*, 43 U.S. 127 (1844) decision, morality and character cannot be taught apart from the Bible; and the Russian people have experienced the consequences of a lack of this character-focus.

I am pleased to rise today in recognition of a group of 44 young men and women who just returned from meeting with Government leadership at the Center for Human Values in Moscow and visiting with the schoolchildren and the people of Leningrad.

They traveled there from May 9–17 to deliver Bibles and to discuss with Government officials ways to restructure the Russian school system around a character-focus. A delegation of four of these Russian educators will be visiting the United States from June 28 to July 9 for further discussions, and they have already requested that 1,000 more of these young people travel to Russia this November.

The advance team which just returned includes the following young men and women from across the United States:

Christine Armstrong (Washington).
Kristine Banker (Georgia).
Pamela Brown (Texas).
Holly Cannon (Oklahoma).
Nathanael Caproni (Washington).
Tracey Collins (Ohio).
Jeffrey Cummings (Washington).
Tiffany Drake (California).
Terri Ellison (Texas).
Loren Elms (Michigan).
Stephanie Flynn (Illinois).
Sheri Hallett (Wisconsin).
David Hill (Oklahoma).
Clifford Holifield (Mississippi).
Prem Jacob (Illinois).
Nicholas Lancette (Montana).
Michael LeFebvre (Ohio).
Joel Mattix (Idaho).
Sarah McFee (Washington).
Melisa McKim (Texas).
Kristyn Meade (Texas).
Laura Morgan (Delaware).
Nathan O'Bryon (Wisconsin).
Patrick Oja (Michigan).
Roxanne Olsen (Louisiana).
Erica Panipinto (New York).
Marc Perry (Washington).
Joel Robbins (California).
Robert Robbins (California).
Christiane Quick (North Carolina).
Kent Schmidt (Illinois).
Christopher Smith (North Carolina).
William Starks (Florida).
Joel Steege (Oregon).
Michael Stoltzfus (Ohio).
Misty-Dawn Treadwell (California).
Michael Vause (Texas).
Kathleen Voyer (California).
Winston Walls (Texas).
Rachel Watson (Texas).
Deleese Weldon (Texas).
Julie Wilhite (California).
Lori Wilkerson (Missouri).
Sara Zorbas (Virginia).

I would like to express my best wishes for continued learning and success as these young people return from the Soviet Federated Socialist Republic of Russia and begin preparations to go back this fall.

MEGAN LAUTERBACH ESSAY CONTEST WINNER

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FAWELL. Mr. Speaker, today, I would like to recognize an outstanding student from my congressional district. Megan Lauterbach is this year's winner in my Heritage Essay Contest. Over 350 eighth graders submitted essays for this competition.

Megan's essay stresses the key components of what she feels make up a modern nation. The text of Megan's essay, "The Essential Components of a Modern Nation" follows:

THE ESSENTIAL COMPONENTS OF A MODERN NATION

How a nation functions in the modern world is determined by many factors. Location, climate, waterways, topography, and natural resources all help chart the course of a country's development. However, to succeed in the twenty-first century, I believe a modern nation will need these components: A democratic government, extensive and available educational systems, a free-market economy, and patriotism and support from the nation's people.

A modern nation needs an organized and fair government which gives the right of freedom of speech and expression to its people and allows them to choose their rulers. A democracy seems to be the closest governmental system to being "ideal." Democracy doesn't give all power to just one person or group of people, but spreads out responsibilities to many people. The president of a democracy is chosen by a majortiy vote of the people. Many people living in countries all around the world dream of some day living within a democracy. The students who revolted against the Chinese government in Tiananmen Square were fighting to gain democracy.

Education is another key component for a great nation to advance and be a successful society. Education should be offered freely, publicly, and unconditionally in a modern nation. Thomas Jefferson, a very educated and innovative man, knew that an educated society would be able to make better decisions, produce top-quality leaders, and increase the advancement of technology. When the people of a nation are educated, they know the importance of their opinions and their votes. Racial differences can be understood and appreciated. Prejudices would decrease, and men would look at one another's heart and soul and not at their religion or the color of their skin.

The absence of a free market economy in some nations makes us realize how important this factor is. A free market economy gives buyers a choice of purchases. Business owners can decide which products to make and sell. The supply and demand for these products keeps prices stable and affordable.

In a nation today, people need to have a feeling of patriotism and loyalty to their country. The people must have interest in their country and its welfare. Culture and difference in customs should be nourished because new cultures can bring in new ideas and help to make the nation more understanding of other nations throughout the world.

The United States of America has had these four essential components since it became independent in 1776. Our country has a strong foundation and is in the position to help other countries develop democracy, good educational systems, a free market economy, and a pride in their country. I feel it is our obligation to help other nations less fortunate than we are and bring all nations of the world together in peace and harmony.

TRIBUTE TO MR. JOSEPH J. SWIATLOWSKI

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, today I pay tribute to an individual who has dedicated over 55 years of service to the city of Chicopee in the Commonwealth of Massachusetts. Mr. Speaker, that individual is Joseph J. Swiatlowski, retired superintendent of the Chicopee Water Department.

Joseph Swiatlowski was born on September 8, 1908 in Three Rivers, MA. From 1928 to 1932, he attended the University of Rhode Island where he received his bachelor's degree in civil engineering.

In 1933, Joe Swiatlowski worked for the Federal Government CCC in the city of Chicopee. He surveyed the area of what is now Westover Air Force Base. He also surveyed and designed the Cooly Brook watershed or what is now the Chicopee State Park on Burnett Road.

On February 10, 1936, he was appointed water department engineer. Then from 1937 to 1938, Joe Swiatlowski designed and built what is now the water department's offices on Tremont Street. Joe was an early pioneer of recycling in Chicopee whereas much of the material used to construct the offices were obtained from the old mills that were being dismantled at what is now the Cabotville Industrial Park. During the same year, Joe actually saw the Chicopee Falls Bridge wash out due to the now famous Hurricane of 1938.

In 1939, under Mayor Anthony J. Stonina and upon a recommendation of Congressman Charles R. Classon, Joe brought major generals, George Veassey, Delos C. Emmons, and George Turner, to survey the Chicopee Falls tobacco fields called the flat plains in order to evaluate the area as to its potential use as an Army airfield. On April 6, 1940, dedication and groundbreaking took place at the airfield. On October 10, 1940, the first airplane, a B–10 bomber, landed at Westover Air Force Base.

During the 1940's, Joe was instrumental in negotiating our existing water supply contract with the metropolitan district commission. This took place under the leadership of Mayor Bourbean and Frank Driscoll, who was the water superintendent at the time.

In 1950, the city of Chicopee's water supply was changed from the Cooly Brook to the Quabbin Reservoir.

On April 10, 1961, Joe Swiatlowski was appointed as the superintendent of the water department.

In 1970, Joe was instrumental in the siting and construction of a new water treatment plant on Burnett Road.

In 1975, the city of Chicopee set up a new laboratory for the water department to comply with the newly promulgated Safe Drinking Act. The laboratory is certified by the Commonwealth of Massachusetts for microbiology.

In the late 1970's, Joe was instrumental in redesigning the water system at Westover Industrial Park to accommodate the industrial expansion of the area.

From 1988 to 1989, Joe participated in the engineering and the funding process to allow the construction of the elevated tank on Royal Street to address the pressure problem in the Fairview area.

On April 10, 1991, 30 years to the day that Joseph J. Swiatlowski was appointed as the superintendent of the water department, he retired.

Mr. Speaker, this is an impressive record that spans over 55 years of service to the citizens of the city of Chicopee. I ask all of my colleagues in the House to join with me in wishing Joseph J. Swiatlowski much happiness in the years to come.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I want to inform my colleagues and the public that I was mistakenly added as a cosponsor of House Joint Resolution 219. The bill had already passed the Congress when I learned of my supposed cosponsorship and, therefore, I could not have removed my name from the House of Representatives bill. I did not authorize my name to be added to this bill and wish the RECORD to reflect this fact.

CONGRATULATIONS TO JUNIOR DIAL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. POSHARD. Mr. Speaker, not long ago this country formally welcomed home the men and women of Operation Desert Storm with days of thanksgiving, highlighted by a parade in Washington, DC.

The parade included a young man from my district, Machinists Mate Third Class Junior Dial, who is stationed aboard the U.S.S. *South Carolina*. Out of 600 men serving on that ship, Junior was selected to be one of 24 to march in the welcome home parade, representing his shipmates, the Navy, and proudly I say, southern Illinois.

"I was shocked at being selected to be in the parade. It was quite an experience and something I'll never forget. I marched the parade route with a deep sense of pride, and everyone was so friendly and pleasant. You could feel people coming together, and it was just very impressive to be a part of that," Junior said.

As for being a hero, Junior observed, "I feel we carried out our responsibilities, that we're

not really heroes but people fulfilling our obligation to service."

A graduate of Sesser-Valier High School, Junior will complete a 4-year term in the Navy this September, then continue his education at Southern Illinois University. When he enlisted he could not anticipate being part of Operation Desert Shield and Desert Storm, but when called upon, he served without hesitation.

The U.S.S. *South Carolina* is a nuclear powered guided missile cruiser, and as a machinists mate, Junior helps keep the systems running. During hostilities in the Persian Gulf the *South Carolina* helped enforce the trade embargo against Iraq, firing warning shots and boarding other ships in the Red Sea in violation of that policy. The cruiser was also involved in search and rescue missions to assist disabled ships and their crews. Junior tells me the most difficult part of all of this was the uncertainty of what would come next.

After spending December 6 through March 28 out on patrol, Junior was able to return for a brief homecoming with family and friends in southern Illinois. He tells me it was, "Very exciting, because it seemed like an eternity until I could get home, and it was a great feeling to finally make it."

I am pleased to welcome Junior home and thank him for his contributions on behalf of the United States of America.

A CONGRESSIONAL SALUTE TO CAPT. LARRY D. JOHNSON, COMMANDER, LONG BEACH NAVAL SHIPYARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. ANDERSON. Mr. Speaker, during the early days of World War II, Congress recognized the need for an additional naval shipyard on the west coast and authorized construction of what is now the Long Beach Naval Shipyard, located on Terminal Island in Long Beach, CA. This is one of eight naval shipyards performing top-quality ship repair overhaul, maintenance, repair, and modernization for the U.S. Navy's ships. This work is truly essential to our defense posture and to maintenance of a fleet that is ready for all conceivable types of duty at sea.

As the older types of ships that Long Beach Naval Shipyard has historically worked on have been released from active fleet service by retirement and decommissioning, and as some of the remaining active ship types have been made the subject of competitive procurement procedures for overhaul and repair, Long Beach Naval Shipyard has been confronted with a need to drastically reduce the size of its work force. The management team of Long Beach Naval Shipyard affirmatively chose to do that in a fiscally responsible way, by reducing overhead and other expenses at approximately the same rate at which direct revenues were falling and by maintaining a sound business basis for continued service to the U.S. Navy.

In 1984, Long Beach Naval Shipyard employed over 7,000 persons; by the end of 1989, the employment level had been reduced to just over 4,000, a reduction of more than 40 percent. The financial performance of the Long Beach Naval Shipyard has, however, improved such that the accumulated operating results account—similar to a private corporation's retained earnings account—now stands at a positive balance of more than $53 million. Over this time, Long Beach Naval Shipyard has set new records in ship overhaul completions which meet or beat established delivery schedules, has demonstrated improvement after improvement in the execution of new threat upgrade weapons system major modernization packages on U.S.S. *Leahy*—CG–16—and U.S.S. *Belknap*—CG–26—class ships, and has set unbeatable time and cost performance records in head-to-head competition with the private ship repair industry on U.S.S. *Spruance*—DD–963—and U.S.S. *Kidd*—DD–993—class ships. In congressionally mandated public/private competition for surface ship overhauls since 1985, eight ships have been awarded to public shipyards in what has become a fierce competitive environment among providers in a rapidly declining industry. Seven of those ships were won by Long Beach Naval Shipyard.

On completion of the regular overhaul of the competition ship U.S.S. *Callaghan*—DDG–994—the innovative comprehensive project management concept applied resulted in the shipyards receiving a performance rating in excess of 98 percent from the Performance Fee Board, which is the highest rating ever assigned any ship at any shipyard for a complete overhaul. The reorganization of Long Beach Naval Shipyard is recognized in the industry as a quantum leap toward increased efficiency and is now being used by the Naval Sea System Command as the model to review for potential restructuring and downsizing of the seven other naval shipyards in response to the declining fleet size of the future. The achievement record of Long Beach Naval Shipyard was especially recognized when the Secretary of the Navy awarded it the Navy Meritorious Unit Citation in January 1991, making it the only west coast naval shipyard to receive that honor.

The credit for these successes belongs to the determined work force of Long Beach Naval Shipyard and to the inspirational leadership of the shipyard commander, Capt. Larry D. Johnson. As the shipyard commander for 4 years, he has provided the strong direction and dedicated leadership which has enabled the Long Beach Naval Shipyard to complete exceedingly complex assignments with high output quality, cost-effective work procedures, and increasing productivity. Included in these accomplishments was successful completion of 26 scheduled ship repair periods—overhauls, restricted availabilities, et cetera—one post-shakedown availability on a newly-built ship, and 26 emergency availabilities for ships of the Pacific Fleet for repair of damaged major equipment on extremely short notice, as well as three weapons systems upgrade availabilities on Coast Guard ships.

Capt. Larry D. Johnson was born in McPherson, KS, and attended the University of New Mexico. He graduated in 1960 with a bachelor of science degree in electrical engineering and was commissioned through the Naval Reserve Officers' Training Corps [ROTC] Program. Following commissioning, he served on board U.S.S. *Blue*—DD–744—as damage control assistant, on U.S.S. *Boyd*—DD–544—as chief engineer, on U.S.S. *Halsey*—CG–23—as hull officer, and on U.S.S. *Joseph Strauss*—DDG–16—as chief engineer. Larry Johnson later continued his formal education at the U.S. Naval Postgraduate School in Monterey, CA, where he earned a master of science degree in mechanical engineering in 1968. Following his professional designation as an engineering duty officer, Larry Johnson served on the staffs of: Commander in chief U.S. Pacific Fleet; commander, Naval Surface Force, U.S. Atlantic Fleet. He also had tours of duty at both Puget Sound Naval Shipyard and Long Beach Naval Shipyard before assignment as the chief staff for maintenance and engineering for the commander, Naval Surface Force, U.S. Pacific Fleet.

On June 29, 1987, Capt. Larry D. Johnson returned to Long Beach Naval Shipyard to assume the duties of shipyard commander. At each step in his Navy career, Larry Johnson has been recognized for diligent, dedicated, enthusiastic, and outstanding performance. He has been honored numerous time and wears the Legion of Merit Medal with gold star in lieu of second award, the Meritorious Service Medal with gold star in lieu of second award, the Navy Commendation Medal, the Navy Achievement Medal, the Meritorious Unit Commendation with bronze star, the National Defense Service Medal with bronze star, the Armed Forces Expeditionary Medal, the Vietnam Service Medal, and the Republic of Vietnam Campaign Medal. His personal tradition of exemplary service has continued while serving as shipyard commander, where he has applied his knowledge and experience to improve the operations of the Long Beach Naval Shipyard and to successfully increase its abilities to complete all shipyard and other assignments. As a direct result of his visionary leadership and overall management goals and supporting objectives, the shipyard's military and civilian management team has become fully fused into a dynamic entity.

The progressive management style Larry Johnson has brought to the Long Beach Naval Shipyard assures its continuation as an active industrial facility and thus maintains it as a welcomed source of thousands of jobs and millions of dollars in income to the south bay area. The people of Long Beach and the surrounding communities will long benefit from this man's efforts. Upon his retirement from active military service, we are compelled to recognize that his personal achievements and contributions to Long Beach Naval Shipyard operations will have left long-lasting strengthening impacts on a profession vital to the security of the United States. My wife, Lee, joins me in congratulating Capt. Larry Johnson on the culmination of a most successful and rewarding career in military service. We hope that he and his wife, Vivian, will enjoy a prosperous and happy future. We are certain that he will continue to make highly beneficial contributions to both his country and his immediate community.

TRIBUTE TO REAR ADM. THOMAS A. BROOKS, USN

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. McCURDY. Mr. Speaker, on August 16, Rear Adm. Thomas A. Brooks, the 54th Director of Naval Intelligence, will complete a career which spanned the entire spectrum of intelligence disciplines and which contributed greatly to the Navy and to national security. Admiral Brooks' intellect and integrity have earned him widespread respect and admiration in Congress.

Admiral Brooks' career reflects a record of unmatched leadership and achievement: In fleet tours ranging from assistant intelligence officer on an amphibious group staff to the 2d Fleet intelligence officer; in operational intelligence tours ranging from junior analyst at Navy Field Operational Intelligence Office to its commanding officer; in counterintelligence tours as commanding officer, Naval Investigative Service Office, Vietnam, and at Naval Investigative Service headquarters; in human intelligence tours as officer in charge, CTF 157.1 and as Assistant Naval Attaché, Turkey; and in senior intelligence management tours as U.S. Atlantic Command intelligence officer, as deputy director, DIA for JCS Support and ultimately as Director of Naval Intelligence.

Admiral Brooks strove to ensure that the fleet commanders and operators received coherent, relevant intelligence products of value to military planning and operations. His experiences in war and in various world crisis drove him to maintain the Navy's preeminence in operational intelligence.

While serving as Director of Naval Intelligence from July 1988 to August 1991, Admiral Brooks brilliantly and tirelessly supported and executed national policy, provided enlightened advice and counsel to Navy and national leadership, and developed and directed a number of programs which provided invaluable intelligence to national and fleet commanders and operators, thereby greatly enhancing national security. Throughout his tenure as the Director, he improved the quality, productivity, efficiency, and responsiveness of Naval Intelligence. As a direct result of his leadership, innovation, and management and organizational initiatives, he saved the Navy and the Nation millions of dollars.

Rear Admiral Brooks is one of the most articulate professional intelligence specialists in the national intelligence community, and he has established himself as an internationally recognized authority on foreign military, political and intelligence matters. He is a national asset, unsurpassed in the impact he has had on intelligence community reform and the creative management of intelligence resources. His advice on the foreign military threat and counterintelligence is sought at the highest levels of the U.S. Navy and has influenced many decisions made by the Navy, the Department of Defense and the Congress.

Admiral Brooks will be sorely missed, but his contributions to the professionalism and spirit of the intelligence community will be an enduring legacy. I want to wish him every success as he turns his attention to new opportunities and new challenges.

CONGRESSIONAL SALUTE TO THE DAUGHTERS OF MIRIAM CENTER FOR THE AGED UPON THE 70TH ANNIVERSARY OF ITS FOUNDING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. ROE. Mr. Speaker, this year the Daughters of Miriam center for the Aged, which is located in the city of Clifton, my congressional district and State of New Jersey, is celebrating its 70th anniversary of providing outstanding services dedicated to the pursuit of happiness and security for people, and particularly our senior citizens. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations and best wishes to the distinguished officers, trustees, staff, and community leaders who have actively participated in the organization and administration of one of the most prestigious care and activities centers for serior citizens in our Nation, the Daughters of Miriam Center for the Aged.

Mr. Speaker, the exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream. As we commemorate this 70th anniversary celebration, we express our appreciation to the officers and trustees of the Daughters of Miriam Center for the Aged, composed of business and professional men and women, who through their fidelity, devotion, and personal commitment over the years have provided intelligent direction and dedication toward achieving the goals and purposes of the Center—to help our elderly attain the best possible quality of life in their golden years.

The current officers and members of the board of trustees are as follows:

OFFICERS AND EXECUTIVE COMMITTEE

The Honorable Milton Kleinman, president; H. Louis Chodosh, M.D., senior vice president; Philip E. Sarna, vice president; Monroe Potash, vice president; Jack Birnberg, vice president; Peter Rosenthal, vice president; George Kramer, treasurer; Morris Yamner, assistant treasurer; Norman Koch, secretary; Stephen Wener, assistant secretary; Samuel S. Schwartz, honorary president; Milton Werksman, honorary president; Melvin Opper, past president; Joel J. Steiger, past president; Arthur Bodner, past president; Arnold H. Goodman, past president; Leonard Kohl, past president; Helen G. Deich, past president; Alexander E. Rosenthal, past president; Harvey Adelsberg, MPA, FACHE, executive vice president; Paul H. Abrams, Richard Abramson, William Adler, Steven Alexander, M.D., Jerry Atkins, Stanley Berenzweig, Claire Blazer, Marge Bornstein, Samson Bosin, Lawrence S. Boss, Louis Brawer, William Brawer, Benson J. Chapman, Irving B. Cohen, Sylvia Cohen, Stephen Cohen, M.D., Stuart Coven, Hy Derfler, Murray Deutsch, Eva Feld, Benjamin Friedman, Sandor Garfinkle, Dr. Solomon Geld, Benjamin Geller, Mel Gerstein, Merrill Gitkin, Lawrence Goldman, Lawrence Gurtman, Howard Honigfeld, Lewis L. Immerman, M.D., Rabbi Dr. Leon Katz, Martin S. Kenwood, Herbert C. Klein, Peter Kolben, Sanford Komito, Arthur R. Kramer, Paul Kramer, Richard Lane, Susan Lane, Ronald S. Mack, Leonard Marcus, Diane Milrod (ex officio), Mollie Nalanbogen, Harold Peimer, Howard Phillips, Alan S. Prell, Sylvia Richman (ex officio), Jerry Rosenblum, Ruth Rosner (ex officio), Eugene Rosensweet, Richard Rosenthal, Irving K. Ruttenburg, Helen Sanders, Sidney Shelov, Rose Shulman, Minerva Stark (ex officio), Julius M. Sucoff, D.D.S., Martin Sukenick, Robert J. Topchik, David Waldman, Sidney Wein, M.D., Ruth Weisenfeld, Ben Weiner, Naomi Wilzig, Siggi Wilzig, Samuel Wolff, Norman Zelnick.

I particularly commend to you the administrator and executive vice president of the Daughters of Miriam Center for the Aged, Harvey Adelsberg, a fellow of the American College of Hospital Administrators, who has responded with the highest standards of excellence in helping to improve the lives and services of the people entrusted to his care.

Mr. Speaker, the Daughters of Miriam Center for the Aged is a nonprofit organization, governed by a philanthropic board of trustees, supported through the generosity of the Jewish communities of Paterson, Passaic, Clifton, Fair Lawn, and environs.

The center was established in 1921 through a gift from the Honorable Nathan Barnert, two-term mayor of Paterson and well-known philanthropist, in memory of his wife, Miriam. It has progressed over the years from a shelter for aged persons and orphaned children, Home for the Aged and Orphans, through its gradual transition to Home and Infirmary for the Aged, and its ultimate expansion and transformation to one of the leading facilities of excellence in the field of care for the elderly—The Daughters of Miriam Center for the Aged. It is licensed by the New Jersey State Department of Health, accredited by the Joint Commission on Accreditation of Hospitals and the Commission on Accreditation of Rehabilitation Facilities, and approved by the American Dental Association. The facility and its programs comply with the Civil Rights Act of 1964 in admission and personnel policies. Daughters of Miriam is college and university affiliated as a teaching and in-service training center.

The facilities and services included in this complex are a 340-bed medical and nursing care center located in the Rothenberg Building and the Eva and Morris Feld Tower, a respite care program, the Brawer Building and the Esther and Sam Schwartz Building which are apartment residences consisting of 270 units which provide congregate services to older persons capable of independent living; the Rita & Samuel Brodie Adult Day Care Program for the Elderly with an Alzheimer's disease and related disorders unit and the Fred Ables memorial sheltered workshop. In total they serve 700 aged persons in a given day.

Mr. Speaker, the original purpose of the center was to give sheltered care to both the aged and to orphaned children. The first location was in a converted house in Paterson, and after the initial 5 years, in a 50-bed capacity building on an estate in Clifton. This

dual program for the underprivileged at both extremes of the age spectrum remained unchanged for over 20 years. In the following 45 years, the program for dependent children was relinquished to a professional casework agency which placed them in foster or adoptive homes. The Daughters of Miriam merged with the B'nai Israel Home for the Aged in Passaic, and a growing partnership of government and philanthropy in the funding of care through the introduction of Medicare and Medicaid and Federal loans for major structures evolved. The high standards of care at Daughters of Miriam have a direct connection with the philosophy of its professional and lay leaders. They believe that a geriatric facility must approximate as closely as possible a client's former home environment. It must provide skilled nursing and medical services but, even more urgently, it must offer a congenial atmosphere in which the residents can carry on the activities of daily living which are so important to the senior citizens.

A unique establishment within the Daughters of Miriam community is the Fred Ables memorial workshop. In effect, this sheltered work activities program is s self-contained industry, the purpose of which is to provide occupational threrapy for many of the aged residents on assembly jobs for contracting commercial companies. The workshop also employs certain handicapped community members. It is licensed by the U.S. Department of Labor and workers are paid at rates approved by the Department, but more important, the participants are given the self-assurance that comes with still being able to do useful work and to make an independent contribution toward their own maintenance.

According to their capabilities and interests, residents take part in a broad variety of daily living and social activities—arts and crafts in special rooms or in rooms on the infirmary floors; cooking and baking programs; bingo games; music programs; religious observances; watching television; relaxing in the solarium overlooking the busy Garden State Parkway; and walking or visiting with friends in the gardens. Local groups such as the Passaic-Clifton, Paterson, Friends of Day Care and Fair Lawn women's auxiliaries come to visit residents and volunteer in a number of departments. Parties are held in the auditorium for residents on their special anniversaries. Cookouts and picnics in the center grounds are regular features of the summer months. Frequent tours to the larger community are arranged for the more active apartment tenants.

Considerable time is given, of course, to therapy sessions and medical checkups. A qualified staff of approximately 500 people, including resident and attending physicians, are available 24 hours a day, 365 days a year. Also on the staff are a psychiatrist, physiotherapist, pharmacist, medical technicians, registered graduate and licensed practical nurses, nurses' aides, and orderlies. Over half of the numbers of the staff are specialists in medical and nursing care. The full program of intensive care for residents is rounded out by specialists in podiatry, optometry, dentistry, physical therapy, speech therapy, and audiology.

Mr. Speaker, it is a great pleasure to call this 70th anniversary celebration to your attention and seek this national recognition of the outstanding services provided by the officers, trustees, staff, and professional men and women of the Daughters of Miriam over the past decades. Their dedication and devotion in helping our seniors to maintain their dignity and help find happiness and independence in their golden years have truly enriched our community, State, and Nation. We do indeed salute the Daughters of Miriam on their 70th anniversary and extend our best wishes for their continued good works and success in all of their future endeavors.

RESULTS OF QUESTIONNAIRE SENT TO CONSTITUENTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to share with my colleagues the results of a survey I sent at the end of March to my constituents in the 15th Congressional District of Michigan. The 20 communities that make up the 15th Congressional District are Augusta Township, Belleville, Canton Township, Dearborn Heights, Garden City, Huron Township, Livonia, Milan, Romulus, Saline, Southgate, Sumpter Township, Superior Township, Taylor, Van Buren Township, Wayne, Westland, York Township, Ypsilanti, and Ypsilanti Township.

The survey asked 10 questions about some of the most important issues facing the Congress this year, and asked my constituents to list the 3 areas where they support increased Federal spending as well as the 3 places they would like Federal spending reduced. I have already received over 8,000 responses to my survey with more coming in daily. This is the 27th survey I have conducted since I first came to Congress in 1965. I am truly gratified that so many people took the time to answer and send back the questionnaire. I was also impressed with the number of constituents who took the time to make additional comments on the survey questions as well as other issues of concern.

The first question on my survey concerned the proposed free-trade agreement between the United States and Mexico. My constituents are overwhelmingly opposed to such an agreement. By a nearly 4-to-1 margin they opposed not just the fast track procedure for considering such an agreement in Congress, but the whole notion of a North American free-trade zone that would permit duty-free entry of goods into the United States from Mexico and Canada. Their letters and calls to me make clear that their opposition is based on a strong belief that a free-trade agreement threatens their jobs, that it will encourage United States companies to relocate their operations to Mexico in order to exploit the low wages and minimal environmental enforcement below the border.

When Congress voted at the end of May on extending fast track authority to the President I voted against it. Like my constituents, I have no faith that this administration will negotiate an agreement that protects good jobs in the United States. The free trade we have had so far with Mexico—the maquiladora zones—has cost 76,000 Big Three auto jobs in the United States already. I intend to do everything I can to prevent the expansion of that kind of free trade.

Sixty percent of my constituents support H.R. 5, legislation that would prohibit employers from firing or permanently replacing workers who engage in a lawful economic strike. Since 1981, the use of permanent replacements has expanded dramatically, and hundreds of thousands of workers have effectively been fired for exercising their lawful right to strike. Labor disputes over wages and health benefits have been turned into bitter battles over the continuing existence of the workers' union and the workers' right to a job. The result has been violence, divided communities, bankruptcies, and a serious erosion of the collective bargaining rights of American workers. As chairman of the Committee on Education and Labor, I intend to move H.R. 5 as quickly as possible. If Congress does not act, the right to strike will become nothing more than the right to quit.

Eighty-three percent of my constituents favor the Family and Medical Leave Act, H.R. 2, which would require businesses with 50 or more employees to permit up to 12 weeks of unpaid leave to employees who request it after the birth or adoption of a child, to care for a seriously ill child, spouse, or dependent parent, or during a period of medical disability. Their level of support for the bill is in line with national surveys that consistently show more than 80 percent of all Americans favor H.R. 2.

That support should not be surprising. At little or no cost to employers, the act would provide job security to workers at times of family crises, when their children and loved ones need them most.

A recent study by the Small Business Administration found that the cost of providing family leave is substantially less than the cost of terminating an employee and hiring a replacement. It confirms an earlier study by the nonpartisan General Accounting Office that estimated the cost of providing family and medical leave to be less than $10 per employee per year.

I hope that when Congress passes the Family and Medical Leave Act again, as it did last year, President Bush will sign it into law. There is no reason for ideology to stand in the way of a law that can do so much good for America's families at so little cost.

An overwhelming 83 percent of those responding to the survey agree that the Federal student aid programs should be expanded to serve students from working-class and middle-class families. It is clear that the incomes of working and middle-income families have not grown to keep pace with inflation, while college costs have increased faster than inflation during the last 10 years. Therefore, students and their families see the opportunity for a college education slipping out of their reach.

The Subcommittee on Postsecondary Education, which I chair, is considering legislation to revise and extend the Higher Education Act, the law which includes the Federal student aid

programs. There is a broad consensus among the members of the subcommittee and among the many witnesses who have testified before the subcommittee in recent weeks that working and middle-income families are unfairly excluded from access to the Federal programs that provide loans and grants to help students pay for college. I want to be certain that, when we finish work on this legislation, we can assure working and middle-class families of substantial financial help when they send their kids to a college or university.

My constituents care about the environment. Eighty-three percent of those responding to the survey support passage of H.R. 300, the Recyclable Materials Technology and Markets Development Act. I have agreed to cosponsor this bill, which would promote a public-private sector effort to develop recycling technologies and open new markets for recyclable consumer products. I have also agreed to cosponsor a bill to offer the first-ever Federal grant program to support individuals, nonprofits, corporations, or localities to fund research in new recycling techniques. Recipients will report the results of their research so that the rest of the Nation can duplicate the successes.

The next two questions on the survey dealt with proposals to tax the windfall profits of American oil companies resulting from Iraq's invasion of Kuwait. Eighty-seven percent supported a windfall profits tax, and 68 percent said that the proceeds of such a tax should be used to cover the U.S. share of the costs of the Persian Gulf war. Like my constituents, I was outraged over the profits domestic oil companies accumulated during the war in the Persian Gulf. Profiteering during a national crisis is an outrage. Several bills to impose a windfall profits tax were introduced in the House. I would support a windfall profits tax, especially if the proceeds were used to reduce the Federal deficit or increase spending on important domestic programs such as education.

I also asked my constituents whether they supported the President's proposal to triple the Medicare taxes of individuals with incomes exceeding $125,000—$150,000 for a couple—who participate in the voluntary part B program, which covers necessary medical services such as physician visits. If enacted, the cost of the tax would rise from $32.80 a month to $95. Eighty percent of those responding believed that these individuals should indeed pay higher taxes. The Congress approved a budget resolution for fiscal year 1992 on May 22. I supported passage of this resolution, which instructs the committees of jurisdiction to look at proposals to increase the Medicare taxes for these individuals.

The final question of the survey addressed the issue of parents in combat. The issue of single parents and military couples with children serving in combat split the Congress and split my constituents during the Persian Gulf war. Over 16,000 single parents and 1,200 military couples with children served in Operation Desert Storm. The potential that a number of these children could become orphans led me to support a bill that would have exempted single parents or the mother or father of military couples from combat duty. Forty-nine percent of my constituents support such a measure; 51 percent oppose it.

The Congress passed, and the President signed, the Persian Gulf Conflict Authorization Act to address the issue of parents in combat. The law requires the Secretary of Defense to study departmental policies related to reservists and active-duty personnel who have children. The Secretary is asked to report back to Congress with his conclusions by March 1992. In addition, the bill included a sense-of-Congress resolution that the Pentagon should not deploy reservists or active-duty personnel who are mothers of children under the age of 6 months.

The final section of the survey provided an opportunity for my constituents to list the three areas the Federal Government should spend more on, and three areas on which we should spend less money. I am pleased to report that education was named as my constituents' highest priority for Federal action. In my mind, no other domestic priority is more important than education. As chairman of the House Committee on Education and Labor, I will work to assure that funding for education receives the high priority that it deserves.

Earlier this year I proposed a home front budget initiative for fiscal year 1992, which originally allocated $4.4 billion above the level spent for education and related programs in 1991. The budget resolution reported by the House Budget Committee assumed only $3.1 billion for these programs. During House consideration of the budget resolution I offered an amendment to increase education spending by $400 million to a total of $3.5 billion. The amendment was approved by a vote of 261 to 158. The Senate's budget resolution provided the full $4.4 billion for the home front budget initiative. The final conference agreement fully funded my initiative.

Health care was the second most important issue that my constituents believe Congress and the President should address. Once again, my constituents have identified one of the most critical issues facing our Nation. Increasingly, access to quality health care has become a luxury. This isn't right, and we must do something to address this problem. The Committee on Education and Labor, which I chair, will play a significant role in the formulation of national health care policy during the 102d Congress. I hope that we can develop a bill that will not only address the needs of the 37 million uninsured Americans but which also responds to the costs of health care coverage, which many who are insured cannot afford.

Environment ranked third in deserving more attention by the Federal Government. I share my constituents' concerns for the environment and have agreed to cosponsor a number of bills that will address some of our more serious environmental problems. Among them, I have agreed to cosponsor a bill to require Federal facilities to comply with the same strict environmental laws as the private sector. For years the Pentagon and the Department of Energy have operated facilities without regard for the law. Refusal to adhere to critical waste disposal regulations has left nearby communities with a legacy of contamination and the taxpayers with the staggering costs of cleaning it up. We need to pass legislation that will ensure that these facilities comply with our environmental laws.

Mr. Speaker, for years my constituents have listed defense spending and foreign aid as the areas where they would like to see reduced Government spending. This year is not different. Government salaries and pensions were a distant third in areas where we should cut spending.

While the new budget agreement no longer allows us to shift spending from defense and foreign aid to domestic programs, it does allow us to set spending priorities. During House consideration of the fiscal year 1992 Pentagon authorization bill, I supported efforts to cut spending for high-dollar strategic weapons systems such as the B–2 Stealth bomber and star wars, and, instead, focus on conventional weapons systems such as the Patriot missile, which proved effective in the Persian Gulf war. In all, the House was able to shift $5 billion from the B–2 and star wars to conventional weapons and personnel.

The actions of the House with respect to foreign aid reflect the feelings of my constituents in Michigan's 15th District. The House, with my support, rejected President Bush's request for a $12 billion increase in foreign aid. The bill we approved funds foreign affairs and assistance at $15.3 billion, about $400 million less than last year.

Mr. Speaker, I have always found the questionnaire to be a useful tool in learning my constituents' thoughts and views on the important issues of the day. I would like once again to thank my constituents for taking the time to participate in this survey.

A TRIBUTE TO JOSEPH KOSTMAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to the attention of my colleagues the courage and strength of Mr. Joseph Kostman. Mr. Kostman is a Holocaust survivor who testified against former Lt. Josef Schwammberger for war crimes during World War II. The Miami Herald recently published an article describing this noble man's suffering.

HOLOCAUST SURVIVOR TELLS VISITING COURT OF ATROCITY

A Holocaust survivor who saw a pregnant woman shot down 50 years ago testified last Wednesday to a traveling German court that came to Miami to hear war crimes evidence against former Lt. Josef Schwammberger.

Joseph Kostman, 66, now of North Bay Village, said he watched from a basement window in the Przemysl ghetto in Poland when Schwammberger shot a pregnant woman in the street.

Kostman thinks it happened in late 1941 or early 1942. He is more certain of what he saw than when.

"I saw it myself, with my own eyes. He killed her because she was a Jewish woman, and pregnancy was a death penalty," Kostman said after testifying at Germany's consulate in downtown Miami. A judge, prosecutor and defense lawyer, all from Germany, are traveling in the United States and Canada to hear witnesses unable or unwilling to attend the trial in Germany later in the summer.

Schwammberger, 79 now, was captured in Argentina in 1987. He is charged with killing 50 people and held responsible for 3,377 others murdered from 1941 to 1944, when he was in charge of ghettos and forced-labor camps in occupied Poland.

"It's the greatest day of my life, although I paid a big price," Kostman said Wednesday. His parents and sister perished in the Holocaust, but he said he does not wish Schwammberger dead:

"I want him to live a long time, but behind bars, and get one meal a day like we got—a bowl of potato soup and a piece of bread."

Mr. Speaker, the horrors of the Holocaust must never be forgotten. Joseph Kostman's testimony makes us realize the danger and reality of all forms of racism.

J. RAYMOND JONES: THE PASSING OF AN ERA

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. DE LUGO. Mr. Speaker, a most famous Virgin Islander, J. Raymond Jones, the man known as the "Harlem Fox," died this month in a New York City hospital at the age of 91, leaving behind a legacy that spanned two generations and an entire continent.

His achievements are legend in New York City where he enabled many, many disenfranchised African American men and women to become a part of the systems of politics and government. At the national level, he was instrumental in the civil rights movement and subsequent legislation which will long stand as a landmark in our Nation's history.

But I rise, Mr. Speaker, on behalf of the people of the Virgin Islands, to laud the accomplishments of J. Raymond Jones during his final years when he returned home to his native islands.

Acutely aware of the importance of education and the critical role it plays in determining success or failure, J. Raymond Jones established the Jones-Holloway-Bryan Foundation to promote excellence in science and mathematics among Virgin Islands students.

Shortly after the death of his wife, Ruth, in 1985, J. Raymond Jones donated considerable funds to what is today the University of the Virgin Islands to boost education programs for students from the Eastern Caribbean.

A man of deep compassion, it was his strong conviction that, with a helping hand and proper guidance, there is in each of us the potential for greatness.

J. Raymond Jones left his mark on the people of a nation, yet, as he showed so well upon his return to his native Virgin Islands, he always remembered the needs of the individual.

It is fitting that the spirit this great man brought will live on, both for what he accomplished in life and for what the foundation he created will build in years to come. Our country is proud of J. Raymond Jones, and Virgin Islanders are particularly proud and thankful that this great man touched so many of us in so many ways.

USING FORCE AGAINST AIRBORNE DRUG TRAFFICKERS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. COUGHLIN. Mr. Speaker, drug interdiction is a very important and very expensive element of our national drug control strategy. In recent years the Department of Defense has joined the fight by contributing its substantial expertise and numerous national assets to drug interdiction. The men and women of the Coast Guard and the Customs Service have for many years now distinguished themselves in defending this Nation from an invasion of illicit narcotics. We have certainly made progress, but there remains much to be done.

It is for this reason that last week I introduced two bills on the use of force against airborne drug traffickers. I believe strongly that we must fight this war against drugs in a manner which makes it possible to win it. Just monitoring drug traffickers is not enough, we must stop them.

The first bill, H.R. 2712, which I initially introduced last year, gives the U.S. Coast Guard limited authority to use force against airborne drug traffickers. It is designed to combat a common means of trafficking whereby airborne drug traffickers fly to the coast of the United States or to a nearby island, drop drugs to cohorts below, and then turn around and fly away without ever stopping. Frequently we capture the whole thing on tape. Our interdiction agencies, with their multimillion dollar assets and expertly trained personnel, do not have the authority to do anything more.

There are 21 safety features in the bill to ensure that only drug traffickers are targeted. The most important are the requirements that prior to the use of force: First, U.S. authorities recover the test positive drugs dropped from the plane's hold; and second, repeated warnings, by various means, are presented to the trafficking plane.

The second bill, H.R. 2711, would provide the U.S. military explicit authority to train foreign nationals how to shoot down drug trafficking planes, and to assist them in the process with intelligence and technical assistance. It prohibits the actual use of such force by U.S. personnel—except in self-defense. Our allies in the drug war, including Peru, Colombia, and Mexico are already using force against drug trafficking planes. It is only prudent that U.S. authorities, who are already providing military training and assistance, advise them on how to do it properly so that force is used only when absolutely necessary.

In most of the coca growing areas, air transport is the only way processing chemicals can be brought in and cocaine can be brought out. Thus, this bill, if enacted, could dramatically increase the effectiveness of our overall interdiction effort. Assistance in this area would only be provided at the request of the host nation.

I would welcome my colleagues' support of this legislation.

STEAMTOWN NATIONAL HISTORIC SITE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. McDADE. Mr. Speaker, I am introducing legislation today that will authorize the completion of the Steamtown National Historic Site.

The original authorization, which was passed by the House in 1986, officially designated Steamtown as a national historic site and authorized the appropriation of $20 million for its administration. Hearings were held on September 30 of that year by the Subcommittee on Public Lands under the chairmanship of John Seiberling.

I am pleased to report that Steamtown is currently being developed for the enjoyment and education of millions of Americans. The Interior Appropriations Subcommittee has included funds in fiscal years 1987, 1989, 1990, and 1991 for operation and construction.

Progress on developing the site has been excellent, but it will be necessary to authorize an additional $26 million in appropriations to complete the project. The initial appropriations were used for planning and emergency stabilization of the site as well as renovation of a historic roundhouse and locomotive turntable.

The funds that would be authorized with the legislation I am introducing today would allow for the continued construction of a core complex, new roundhouse, museum, visitors' center, and the renovation of a historic repair building. Future visitors to Steamtown will be able to see how a working steam locomotive railyard operated in an earlier American era which saw tremendous industrial growth and the dominance of rail as a form of transportation.

The natural and cultural resources of Steamtown, which is located in the Lackawanna Valley, represent the development of anthracite coal, one of North America's great natural resources. From early in the 19th century, northeastern Pennsylvania was the source of more than 80 percent of the world's anthracite coal. This resource provided an extraordinary source of energy which fueled the growth of American cities and industry for almost 150 years. The unprecedented scale and integration of anthracite mining, manufacturing, and rail transportation made the region a crucible for innovations in technology, industrial institutions, labor, and city form in 19th century America.

Between 1830 and 1860, anthracite began to provide a reliable alternative to both charcoal and imported British and Nova Scotian soft coal. The availability of a high quality, inexpensive fuel source allowed the development of larger scale factories and the relocation of small rural industry to urban areas. These innovations generated profound changes in the institutional structure of American industry, the American work force, and the urban development of the United States.

The Steamtown railyard has unique potential as an interpretive historic resource. The site offers the opportunity for visitors to interpret onsite not only the locomotives and rolling stock but also the greater story of steam rail-

road operations. The Comprehensive Management Plan for Steamtown points out that "the Steamtown site and collection represents topics or themes in the National Park System Plan that are worthy of commemoration and currently unrepresented or underrepresented. Those themes generally relate to America's industrial heritage."

Steamtown has proven itself as a learning experience and popular attraction. Even though the Park won't officially open until 1994, visitation has exceeded 125,000 people and has been increasing by 75 percent each year. It is an easily accessible experience for millions of Americans living on the east coast who can't travel to the western national parks. The overwhelming response of the visitors to this historic site has been enthusiastic and positive.

The Steamtown National Historic Site also involves a large level of private contributions and State and local cooperation. The Park Service has been the recipient of nearly $30 million in land donations, a collection of 40 historic locomotives, 100 pieces of rolling stock, original buildings from the 1800's and over 500 acres of rail lines. The Commonwealth of Pennsylvania and the people of the Scranton area have enthusiastically backed this project with enormous community support and over $8 million in contributions.

I believe that Steamtown is a wise national investment. I look forward to working with Chairman BRUCE VENTO and the other members of the House Subcommittee on National Parks and Public Lands in the consideration of this reauthorization.

A TRIBUTE TO DR. JACK POLLACK: AN OUTSTANDING EDUCATOR FOR OVER 40 YEARS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a distinguished educator, Dr. Jack M. Pollack, principal of Abraham Lincoln High School located in my congressional district. On June 20, Dr. Pollack attended his 20th commencement ceremony as principal of Abraham Lincoln High School where he was honored by his students and colleagues for his great contribution to his community. I am proud to take this opportunity to salute this individual for his achievements and fine deeds.

Dr. Pollack entered the educational field in 1949 as a substitute English teacher 2 years after his graduation from Brooklyn College. Education became a part of his future when he became an English teacher in 1954, and then the assistant principal of a junior high school in Manhattan in 1959. Dr. Pollack continued his outstanding work as an educator, becoming chairman of the English department at Eastern District High School in Brooklyn and then in 1966 transferring to Lincoln High School, where he has been principal ever since.

Dr. Pollack assumed the position of principal at Abraham Lincoln High School in 1971, receiving his Ph.D. from New York University that same year. He has emphasized improving the quality of education in his school and in New York City. As principal of Abraham Lincoln High School he has been an innovator, establishing programs to aid students.

As an energetic member of the New York City educational system, Dr. Pollack has held numerous positions including president of the New York City High School Principals Association and president of the board of education at the Yeshiva of Flatbush. In his leisure time, Dr. Pollack contributes his energies to other important causes. He was appointed president of the New York City Alzheimer's disease Association in 1987 and has received national acclaim for his work with Alzheimer's Disease and clearly deserves praise for these contributions.

Most recently, Dr. Pollack was honored as "Principal of the Year for 1990" by Dr. Joseph Fernandez, chancellor of the New York City Public Schools. After receiving this honor, Dr. Pollack represented New York City at a 4-day excellence in education symposium in Washington, DC. Dr. Pollack was selected for this honor for his 40 years of outstanding dedication to education.

This highly respected educator is also a loving husband and father of three children. He is an individual who has demonstrated his concern for both family and his community. Dr. Pollack is truly a great educator who has devoted his life's work to educating our young people. We depend on people like him to mold our youth and create a brighter future for all.

It gives me great pleasure to pay tribute to Dr. Jack M. Pollack, a dedicated and tireless educator. I am proud to recognize him before my colleagues and fellow citizens.

A TRIBUTE TO ALVARO SOLIS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to the attention of the House and the American public the loss of one of my constituents from Hialeah, FL, Alvaro Solis, Jr. This bright young man was the victim of a violent crime and died from a bullet wound.

Before he died, Alvaro was pursuing a bachelor degree in business administration at Florida International University in Miami. He was the recipient of several academic honors including being named "Faculty Scholar" at FIU as well as attaining a level of distinction from the National Forensics League. His parents, Carmen and Alvaro Solis, Sr., and his sister Maribel, recently accepted a diploma on his behalf at the FIU graduation ceremonies.

On campus, Alvaro was always an optimist. He was the fundraising chairman of his fraternity, Sigma Phi Epsilon, and a senator for student government. He continuously came to the aid of his community in his role on the city of Hialeah Youth Advisory Board and in his membership in the Young Republicans Club.

Alvaro was also interested in promoting change for his community. He worked on many campaign staffs on both local and State government. Even while taking classes, Alvaro found time to work as an intern in the risk management office of Metro Dade, as a sales representative for Sears Roebuck & Co., and as an English instructor for audio visual languages.

In short, Alvaro Solis, Jr., was a highly motivated and caring individual who worked hard for his family as well as his community. He will be deeply missed by all who knew him.

A CONGRESSIONAL SALUTE TO DOWNEY CHAMBER OF COMMERCE PRESIDENT DAVID R. GAFIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding leader in Downey, CA. On Friday, June 28, 1991, David R. Gafin will be honored for his year of service as president of the Downey Chamber of Commerce. This occasion gives me the opportunity to express my deep appreciation for his committed service to the chamber of commerce and the citizens of Downey.

The position of president of the Downey Chamber of Commerce is a difficult and demanding one. The time invested by the president in business promotion programs is tremendous. Finding a dedicated candidate is of utmost importance. In David Gafin, the chamber found an ideal president. The commitment shown throughout his year in office proves David's dedication to Downey, its business owners, and its citizens.

During this tenure, the chamber was extremely successful at fostering commerce in the community. With the help of David's expert leadership, the chamber was able to amass an impressive list of accomplishments. Through utilizing radio advertising for the first time, they promoted and reopened the Stonewood Mall. The group also cosponsored the Annual Downey Business Expo, produced a small business conference, and offered business seminars and workshops for the business community. In addition to establishing these programs, which were new to the Downey Chamber of Commerce, the 1990–91 staff continued chamber traditions by resuming the annual golf tournament, and by organizing the Annual Holiday Lane Parade.

David has had a tremendously positive impact on the chamber of commerce and the community of Downey. He is a tireless servant who expects no recognition in return. Mr. Speaker, I submit to my colleagues today this most deserving congressional salute in his honor. My wife, Lee, joins me in extending our heartfelt thanks and congratulations. We wish David, his wife Brenda, and his stepson Brent Gabriel, all the best in the years to come.

SOUTHERN ILLINOIS TEACHER TAKING AMERICA INTO THE FUTURE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. POSHARD. Mr. Speaker, I rise to recognize a man from my district, who each day faces one of the toughest jobs in America and comes out on top.

Ronald Nagrodski is a high school teacher, and he's one of the best in the Nation at motivating his students and working with them to achieve great things. I am especially proud to say he teaches in my district, at Johnston City High School, where he is dedicated to reviving what appears to be a lost art for American students; mastering the equations of mathematics. For his efforts, Ron was recently selected by Fortune magazine as 1 of 25 Americans making a difference, helping to prepare the United States for competition in the year 2000 and beyond.

I have previously called to your attention the success of Ron Nagrodski and his students, and I'm doing so again because good news from our classrooms is sorely lacking. The magazine article which I am including in this RECORD tells the story well, but I want to add my support for Ron's efforts, and the many other classroom teachers in my district and around the country, who are working hard to motivate and invigorate our students. They must be assured they have our support, encouragement, and respect, because they are making an invaluable contribution to the future of our society.

RONALD NAGRODSKI: HIS STUDENTS GET HIGH MARKS IN MATH AND IN THE WORK ETHIC

In the small Illinois farming and coal-mining community where he lives, Nagrodski, 36, is waging a campaign against low math skills among American youngsters—and winning. Last year 11 of his 87 graduating students at Johnston City High School (enrollment: 372) took the College Board advanced-placement exam, and four attained top scores—almost one in eight, compared with a national average of one in 15. Says Nagrodski, who won a presidential award for teaching excellence last year: "We don't have the academic talent of big schools. We don't have any selective gene pool. We just grind it out on hard work."

A native of Johnston City, Nagrodski learned the value of hard work from his grandparents, immigrants from Italy and Lithuania, and his father, who worked in a factory and ran a family farm. Returning home to teach in Johnston City High in 1985, he persuaded administrators to let him launch honors courses in algebra, trigonometry, geometry, and calculus. Fellow teachers argued that the old curriculum was good enough. Says Nagrodski: "They didn't realize that using methods of 20 years ago means that you are preparing a kid real well for the job market of 1972." Now his ninth-graders are learning from the textbook previously used by seniors.

In addition to beefing up his school's course work, he coaches a team that captured the State's Class A championship last year in math. It competes in a variety of events, from written tests to oral analyses of problems. He believes the math team instills discipline and ambition. Before big matches, Nagrodski drills some students in the early mornings, others during lunch break, and all 32 team members for three hours a night. Nagrodski tells them, "'I can' is more important than IQ."

The burly, bearded martial arts practitioner (he says he never encounters behavior problems) earns about $30,000 a year. Nagrodski's wife, Jeanie, teaches at another high school, and they have a 9-month-old daughter, Ashley. He winds up every day at the family farm, feeding the cattle that provide extra income. Says he: "The only thing you get out of working hard as a teacher is the gratitude of your students and the feeling of doing a good job."

REPRESENTATIVE WILLIAM NATCHER'S 17,000TH CONSECUTIVE VOTE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. HORTON. Mr. Speaker, it is indeed a great personal honor and privilege for me to call to the attention to the House of Representatives a nearly inconceivable achievement of one of our most distinguished colleagues—and my good friend—the most honorable gentleman from the Bluegrass State, Congressman BILL NATCHER.

Thursday, when we approved the Walker substitute to the Burton amendment, BILL cast his 17,000th consecutive vote—rollcalls and quorum calls. This, is an alltime record in the House of Representatives. In addition, he has never missed a single vote or day since he was sworn in on January 3, 1954.

We all revere BILL's unequaled commitment and dedication to public service, and many have attempted to emulate it. Yet, like Joe DiMaggio's 56 game hitting streak, I doubt that this incredible milestone will ever be broken, only extended each and every day by BILL NATCHER himself.

So, on this momentous occasion, I would like to extend my heartfelt congratulations to you BILL. It has been my personal privilege and, indeed, an honor to serve with you for all of my 29 years in the House of Representatives. I have enjoyed working closely with you for many years and look forward to continuing to do so for many more years and many more votes to come.

WHAT'S GOING ON IN CHINA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. BROOMFIELD. Mr. Speaker, one by one, the old hard-line Communist monoliths are falling.

Albania is a country that might have well been on Mars for the last four decades. Yet, just this past weekend, it gave a rousing welcome to an American Secretary of State.

That is why I find the behavior of the Chinese leadership so puzzling. They want to enjoy the benefits of their contacts with the West. Yet they insist on running their country like a vast torture chamber.

On June 11, the Chinese Government threw a 73-year-old Roman Catholic bishop, Giuseppe Fan Zhong Liang, in prison. His crime? He is loyal to the Pope.

Congress is currently considering the President's decisions to renew normal trade privileges for China. It can be reasonably argued that such openings serve to promote human rights.

But frankly, the Chinese Government is making it harder and harder to sell that argument.

If they want to persuade many in this body to vote for MFN and other such measures, they could take a step in that direction by releasing Bishop Fan.

Surely a government that controls millions of soldiers, thousands of tanks, planes, missiles and other weapons cannot be afraid of the sermons of a 73-year-old man.

A TRIBUTE TO MR. TOM Y. FUJIMOTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. MATSUI. Mr. Speaker, I rise today to invite my fellow colleagues to join me in paying tribute to my dear friend and a member of my congressional district, Mr. Tom Y. Fujimoto on the occasion of his retirement from civil service. Next Tuesday, his family and friends will be gathered together to recognize Tom's many contributions to the California Department of Water Resources and our community at large.

Born and raised in Sacramento, Tom Fujimoto's dedication to our country and the State of California has given new meaning to civil service. Tom's long and distinguished career began when he served as a military intelligence officer during World War II. After Tom's faithful service to our country, he returned home to work for the California Department of Water Resources. His career with the CDWR has spanned over 40 years and includes 18 years as the assistant executive officer of the California Water Commission. During his tenure, Tom has dutifully represented our country by leading foreign engineers on tours of the California State Water Project.

In addition to his excellent record of accomplishment with the military and the water commission, Tom is a model citizen who proudly displays his dedication and love for this country while never forgetting his roots and heritage. This is demonstrated by his service to the local chapter of the Military Intelligence Service as well as his service to the Japanese-American community. As president of Sacramento's Kumamoto Kenjinkai, Tom has strived to preserve Japanese traditions which are so dear to him. He is also a longstanding member of the Sacramento Japanese American Citizens' League. Tom's commitment truth and justice has inspired him to play an active role in educating today's youth about the injustices of the World War II internment of American citizens of Japanese ancestry.

Mr. Speaker, please join me today in saluting a distinguished civil servant, my friend, Tom Fujimoto.

HARRY VAN ARSDALE AND LOCAL NO. 3 APPLAUDED FOR "ELECTCHESTER"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. SCHEUER. Mr. Speaker, I rise today to applaud an innovative idea which has grown, in 40 years, into an important part of my home borough of Queens.

The return of our soldiers precipitated a severe housing shortage in New York City after World War II. Although housing construction took place at a staggering rate, New Yorkers still had to look for creative solutions to the shortage. None were more creative than the idea crafted by Harry Van Arsdale, and the rest of local union No. 3 of the International Brotherhood of Electrical Workers.

Van Arsdale reasoned that local No. 3 could build their own housing complex. His idea was not without precedent: The Amalgamated Clothing Workers had operated their own complex for 30 years at the time. However, the clothing workers union numbered over 300,000, while the electrical workers barely topped 26,000 members. Local No. 3's plans were greeted with a high degree of skepticism.

But with an innovative approach to financing, and some old-fashioned hard work, their plans became reality in the spring of 1951. In that year, the first families moved into Electchester, as the new complex was called. They enjoyed a high standard of living, which included their own public schools and a community playground.

Today, Electchester has expanded to 2,300 units in 38 buildings over 75 acres in Flushing. It boasts of ethnic diversity and an extremely low crime rate. It is an example of what a housing cooperative can and should be.

I applaud the vision of Harry Van Arsdale, and the rest of local No. 3's members, past and present. Electchester is a truly wonderful asset to our community.

TRIBUTE TO WILLIAM C. CHANDLER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. DICKINSON. Mr. Speaker, today I would like to pay tribute to an outstanding citizen from Montgomery, AL. William C. Chandler has committed his life to promoting well-being around the world.

Bill has been the Montgomery YMCA general director since 1953. He was the Montgomery YMCA youth program and physical director from 1948–53, and was also the YMCA youth program director in Athens, GA, from 1946 to 1948.

Bill served as the president of Lions Clubs International in 1980–81, and as president of the Montgomery Lions Club. He is chairman of the Board of Education Committee for Better Schools, and the Bi-Racial Committee, "One Montgomery." He also serves on the Gift of Life Foundation, and is past president of Blue-Gray Association and the Hitchcock Committee.

Bill has been recognized worldwide for his sincere service. The Lions Clubs International named him chairman of Lions Foundation International, and honored him with their Ambassador of Good Will Award. He received a Medal of Honor from the President of Italy in 1981, and was named Order of the Knight of the Lion by the President of Finland in 1989.

In 1990, he received the Lewis Hine Award, an NCLC national award for work with youth. This award is sponsored by Time-Warner and is one of five in the United States. He received the Alabama Bar Association Liberty Bell Award, the Optimist Club Friend of Youth Award, and the Rotary Service Award. As a young man he received the Jaycees Distinguished Service Award and Outstanding Young Man Award.

Bill has a B.S. degree in naval science and mathematics from Rice University, and a B.A. degree in sociology and religion from the University of Georgia. His graduate degree in sociology and religion is from the University of Georgia. He also studied as an undergraduate at Georgia School of Technology.

Bill married Martha Spidle in May 1953. They have three children and four grandchildren, and attend First Baptist Church in Montgomery where he serves as chairman of the board of deacons and as an adult Sunday school teacher.

He has been a consultant at DRAVO Basic Products since 1978. He was the president of Montevallo Limestone Co. from 1958 to 1971, and president of Montevallo Limestone Sales from 1971 to 1978.

His unselfish devotion to youth is more than commendable. The aforementioned honors and awards do not convey the real meaning of his work. Bill Chandler's selfless devotion and generosity have enriched not only the city of Montgomery, but have touched the lives of countless people throughout the world. His life is a fine example of Christian leadership, and one that deserves the recognition of the U.S. Congress.

SUPER BOWL MVP

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. MURTHA. Mr. Speaker, last January, more than 70,000 football fans in Tampa Stadium cheered as the quarterback of the New York Giants led his team to victory in Super Bowl XXV. Next Saturday, the people of Jeff Hostetler's hometown, Jerome, PA, will honor the Most Valuable Player of the Super Bowl with a motorcade and community celebration.

Jeff's story is the story of a talented, dedicated individual who has worked hard to be prepared to take advantage of any opportunity that might arise. Throughout his football career at East Conemaugh Township High School and the University of West Virginia, Jeff exhibited the hard-working attitude so typical of our area of western Pennsylvania. Over the past few years he has been the backup quarterback for the Giants, watching as Phil Simms led the team to one of the best records in pro football. When Simms suffered an injury late in the 1990 season, many skeptics and football experts wrote off the Giants' chances in the playoffs. But they forgot about the talent and leadership abilities of Jeff Hostetler. Jeff led the Giants throughout the playoffs, as they defeated the San Francisco 49ers in the NFC championship game, and then beat the Buffalo Bills in perhaps the most exciting Super Bowl game ever played.

The people of Jerome have followed Jeff's NFL career closely. When their native son moved into the starting role for the Giants, they were confident that Jeff would lead the team to the NFL Championship, despite the opinion of many NFL insiders. Their faith was rewarded in his outstanding performance in Tampa. I'd like to join the people of Jerome in saluting Jeff Hostetler, and we all look forward to his further accomplishments on the football field.

A TRIBUTE TO COL. JOSEPH M. WAGOVICH

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 1991

Mr. MORAN. Mr. Speaker, today I rise to congratulate Lt. Col. Joseph M. Wagovich on his retirement from the Air Force and commend him for his many years of dedicated and devoted service to our country.

On June 28, Colonel Wagovich will be retiring from his position as the public affairs officer for the On-Site Inspection Agency, a joint Department of Defense organization responsible for coordinating inspections for arms control agreements. Through his years of service, Colonel Wagovich has displayed an undying commitment to the Air Force that has taken him across the United States as well as abroad.

Colonel Wagovich's career included a variety of positions and carried him from Texas to Ohio, from Hawaii to Washington, DC, and at one point across the Atlantic to Greenland. His unique expertise in the fields of communications and publicity necessitated his presence in such various locales. The demands of his career prove that he has not faltered in his dedication to the Air Force and his country. Colonel Wagovich's outstanding service did not go unrecognized. His decorations include the Defense Superior Service Medal, Air Force Meritorious Service Medal with two oak leaf clusters, and Air Force Commendation Medal with two oak leaf clusters. These decorations accented appropriately his fine career. The On-site Inspection Agency will suffer a great loss with his retirement.

I would like to extend to Colonel Wagovich and his family my congratulations and best wishes. Given his notable achievements in service to our country, I am certain that Colonel Wagovich will continue to ably serve his country and community in his retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 25, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 911, to revise the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants, and children, and to provide grants for home-visiting services for at-risk families, and to revise the Head Start Act to provide Head Start services to all eligible children by 1994.
SD–430

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD–342

Veterans' Affairs
Business meeting, to mark up pending calendar business.
SR–418

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the District of Columbia court system.
SD–138

Banking, Housing, and Urban Affairs
To hold hearings on the semi-annual report of the Oversight Board of the Resolution Trust Corporation.
SD–538

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 473, to revise the Lanham Trademark Act of 1946 to protect the service marks of professional amateur sports organizations from misappropriation by State lotteries, and S. 474, to prohibit a State from participating in betting, gambling, or wagering schemes based on any game connected to any professional or amateur sports organization.
SD–226

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of John E. Bennett, of Washington, to be Ambassador to the Republic of Equatorial Guinea, Gordon S. Brown, of California, to be Ambassador to the Islamic Republic of Mauritania, and Johnnie Carson, of Illinois, to be Ambassador to the Republic of Uganda.
SD–419

Select on Indian Affairs
To hold hearings on S. 362, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.
SR–485

3:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on S. 985, to assure the people of the Horn of Africa (Ethiopia, Somalia, and Sudan) the right to food and other basic necessities of life and to promote peace and development in the region.
SD–419

JUNE 27

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on proposed legislation to expand the Federal Right to Know program, which requires industries to report routine emissions into the environment.
SD–406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine economic pressures on working families.
SD–430

Select on Intelligence
Closed business meeting, on proposed legislation authorizing funds for fiscal year 1992 for intelligence programs.
SH–219

10:00 a.m.
Finance
To hear and consider the nominations of Desiree Tucker Sorini, of Colorado, to be an Assistant Secretary of the Treasury, Janet A. Nuzum, of Virginia, and Carol T. Crawford, of Virginia, each to be a Member of the United States International Trade Commission.
SD–215

Foreign Relations
To hold hearings to examine U.S. relations with China; and to hold a business meeting, to consider pending calendar business.
SD–419

Governmental Affairs
Business meeting, to consider pending calendar business.
SD–342

Judiciary
Business meeting, to consider pending calendar business.
SD–226

1:00 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the government of the District of Columbia.
SD–192

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 979, to provide for strong Department of Energy support of research and development of technologies identified in the National Critical Technologies Report as critical to U.S. economic prosperity and national security.
SD–366

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on individual debtors as related to the bankruptcy code.
SD–226

JUNE 28

9:00 a.m.
Joint Economic
To hold hearings on the allocation of resources in the Soviet Union and China.
SD–628

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1324, to revise the Public Health Service Act to generate accurate data necessary for maintenance of food safety and public health standards, and to protect employees who report food safety violations.
SD–430

JULY 9

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on implementation of the research title of the 1990 farm bill (P.L. 101–624).
SR–332

2:00 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 668, to authorize consolidated grants to Indian tribes to regulate environmental grants to Indian tribes to regulate environmental quality on Indian reservations; to be followed by an oversight hearing on the Navajo-Hopi relocation program.
SR–485

JULY 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 471, to protect consumers by regulating certain providers of 900 telephone services, and S. 1166, to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call.
SR–253

2:00 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine national tourism policy.
SR–253

JULY 11

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on employment on Indian reservations.
SR–485

JULY 15

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy's role in math and science education.
SD-366

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.
SD-342

JULY 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program.
SR-485

JULY 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

JULY 23

9:30 a.m.
Rules and Administration
To hear and consider a report from the Architect of the Capitol on current projects, and to consider other pending legislative and administrative business.
SR-301

2:00 p.m.
Energy and Natural Resources
To hold hearings on Senate Joint Resolutions 22 through 34, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.
SD-366

JULY 24

9:30 a.m.
Joint Printing
To resume hearings to examine the technological future of the Government Printing Office.
B-318 Rayburn Building